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Crl.R.C.No.1478 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2022

Coram:

THE HONOURABLE **MR. JUSTICE P.VELMURUGAN**

Crl.R.C.No.1478 of 2022

B.Ganesh Babu

... Petitioner

Vs.

State rep. by The Inspector of Police,
CCB -1 Police Station,
Bank Fraud, Chennai 600 007.
Crime No.134 of 2022

... Respondent

Prayer: Criminal Revision Case filed under Section 397 and 401 of Cr.P.C. against the order dated 28.09.2022, passed by the Hon'ble Metropolitan Magistrate, Egmore, Chennai in Crl.M.P.No.29026/2022 in Crime No.134 of 2022 on the file of CCB-1, Team-31, Bank Fraud Police Station, Chennai.

For Petitioner

: Mr.J.P.Vijay Prakash

For Respondent

: Mr.S.Sugendran\
Additional Public Prosecutor



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JUDGMENT

WEB COPY Challenging the order passed by the Metropolitan Magistrate, Egmore, Chennai in Crl.M.P.No.29026/2022 dated 28.09.2022, this Criminal Revision Case has been filed.

2. The petitioner filed the above petition before the Magistrate praying to provide A class facility in the prison and it was dismissed.

3. The learned Additional Public Prosecutor submitted that the petitioner is detained under Act 14.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and I have perused the materials on record.

5. A perusal of the records reveals that, no material has been placed to show that the petitioner made a representation before the Inspector General of Prison. Without approaching the Prison Authority, the petitioner cannot straight away approach the Court and it is for the



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petitioner to make proper application before the Jail Authority and in case, his consideration is arbitrary or malafide, then only, the petitioner can approach the Court. Further, the Inspector General of Prison is a competent authority to find out the availability of A-Class facility and the eligibility of the petitioner. Therefore, this Court is of the view that there is no perversity in the order passed by the learned Magistrate and the same does not warrant any interference by this Court.

6. Accordingly, this Civil Revision Case is dismissed. However, the petitioner is at liberty to approach the Jail Authority by filing application. Further, if the petitioner files any application before the Inspector General of Prison/ Superintendent of Prison, the same shall be considered by the competent authority on its own merits and in accordance with law, within a period of two weeks from the date of receipt of the application.

24.11.2022

Internet: Yes/No
mst
To

- 1.The Metropolitan Magistrate, Egmore, Chennai.
2. The Public Prosecutor Officer, High Court, Madras.



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3. The Section Officer, Criminal Section, High Court, Madras.

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P.VELMURUGAN, J

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