



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD)No.2595 of 2022

and Crl.M.P(MD)No.1942 of 2022

WEB COPY

S.Muthukumar

... Petitioner

Vs

1. The Sub Divisional Executive Magistrate and
Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Thoothukudi,
Thoothukudi District.

2. The Inspector of Police,
Muthaiyapuram Police Station,
Thoothukudi District.

... Respondents

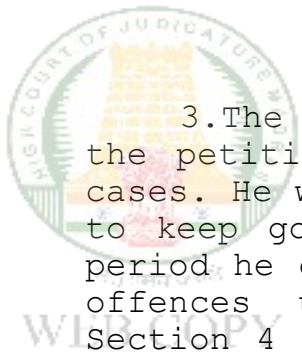
Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records connected with the order passed by the first respondent in M.C.No.430/2021 dated 27.12.2021 and quash the same.

For Petitioner	: Mr.R.Alagumani
For Respondents	: Mr.R.M.Anbunithi
No.1& 2	Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to call for the records connected with the order passed by the first respondent in M.C.No.430/2021 dated 27.12.2021 and quash the same.

2.The petitioner challenges the show cause notice issued by the first respondent to prosecute under Section 122(1)(b) of Cr.P.C as against the petitioner on the file of the first respondent. The petitioner already executed a bond for keeping good behavior and it is pending. Pending bond period, he again committed offence and the second respondent registered a case in Crime No.379 of 2021 for the offences under Sections 449,294(b),323,307,506(ii) of IPC and Section 4 of TNPHW Act. He was arrested and remanded to judicial custody on 11.12.2021 and thereafter released on bail on 23.12.2021. On receipt of report from the second respondent, the first respondent issued present impugned notice to the petitioner, thereby calling upon for explanation from the petitioner for violating the bond executed under Section 107 of Cr.P.C. The only apprehension of the petitioner is that the first respondent will not give any opportunity of hearing the petitioner and opportunity to cross examine any witnesses and he would be immediately remanded to judicial custody.



3.The learned Additional Public Prosecutor would submit that the petitioner is a habitual offender and is having 28 previous cases. He would further submit that the petitioner has executed bond to keep good behavior under Section 107 of Cr.P.C. Pending bond period he committed another offence in Crime No.379 of 2021 for the offences under Sections 449,294(b),323,307,506(ii) of IPC and Section 4 of TNPHW Act. Though the petitioner was released on bail the second respondent requested the first respondent to take action for violation of bond period.

4.This Court finds no infirmity or illegality in the show cause notice issued by the first petitioner and the petition is liable to be dismissed.

5.In the result, the petition is dismissed. However, the first respondent is directed to give an opportunity of hearing to the petitioner and permit him to give his explanation and permit the petitioner to engage an advocate and also cross examine the witness if any and pass orders on merits and in accordance with law. Consequently connected miscellaneous petition is closed.

Sd/-

Deputy Registrar (A/CS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

- 1.The Sub Divisional Executive Magistrate and
Revenue Divisional Officer,
Thoothukudi, Thoothukudi District.
- 2.The Inspector of Police,
Muthaiyapuram Police Station,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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RS (01.03.2022) 2P-4C