



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 01.02.2022

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.33 of 2022

and

Crl.M.P.(MD)No.646 of 2022

Kumar

.. Revision Petitioner /Respondent

Vs.

1.The Sub Divisional Magistrate cum
Revenue Divisional Officer,
Kulithalai Taluk,
Karur District.

... 1st Respondent / nil

2.State rep. through,
The Inspector of Police,
Kulithalai Police Station,
Karur District

(In Crime No.805 of 2021) .. 2nd Respondent/nil

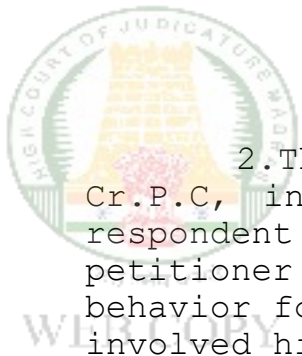
Prayer : This criminal revision case is filed under Sections 397 and 401 of Cr.P.C., to call for the records and to set aside the order, dated 22.12.2021 made in Na.Ka.A3/3880/2021 (M.C.No.12/2021) on the file of the Sub Divisional Executive Magistrate cum Revenue Divisional Officer, Kulithalai, Karur District and to allow the Criminal Revision.

For Petitioner : Mr.M.Suresh

For Respondents : Mr.K.Sanjay Gandhi
Government Advocate

ORDER

This Criminal Revision Case has been filed to set aside the order, dated 22.12.2021 made in Na.Ka.A3/3880/2021 (M.C.No.12/2021) on the file of the Sub Divisional Executive Magistrate cum Revenue Divisional Officer, Kulithalai, Karur District.



2. The second respondent referred a matter under Section 110 Cr.P.C, in C.No.02 of 2021 to the first respondent. The first respondent took up the matter on file as M.C.No.12 / 2021. The petitioner has executed a bond on 21.01.2021, to maintain good behavior for a period of three years. Subsequently, the petitioner involved himself in various cases and the petitioner was arrested on 15.12.2021. On the request of the second respondent, the first respondent initiated proceedings under Section 122 (1)(b) Cr.P.C. and passed the impugned order. Against the impugned order, the petitioner preferred this Criminal Revision.

3. On the side of the petitioner, it is stated that principles of natural justice was violated by the first respondent. No opportunity was given to the petitioner. No enquiry was conducted and prayed the impugned order to be set aside.

4. On the side of the respondents, it is stated that the petitioner executed a bond on 21.01.2021, to maintain good behavior for a period of three years. But, subsequently, he involved in Crime Nos.172 of 2021, 220 of 2021, 240 of 2021, 256 of 2021, under Sections 457 and 380 of I.P.C and in Crime No.303 of 2021, under Section 379 I.P.C., on the file of the Thagamalai Police Station and in Crime No.805 of 2021, under Section 8(c) r/w. Section 20(b)(II) (B) of NDPS Act, on the file of the Kulithalai Police Station and in Crime No.32 of 2021 under Section 392 of I.P.C, on the file of the Balaviduthi Police Station and in Crime No.195 of 2021, under Sections 457 and 380 I.P.C, on the file of the Chindamanipatti Police Station. The petitioner is a habitual offender and a history sheet in H.S.No.10 of 2020 was maintained by the police. The petitioner is having 9 cases, including a murder case in Crime No.328 of 2020, under Sections 341 and 302 I.P.C, on the file of the Kulithalai Police Station and prayed the petition to be dismissed.

5. A perusal of the records reveals that the impugned order is silent whether the copies of the documents were furnished to the petitioner. No enquiry was conducted. No witnesses was examined. The contention of the petitioner was not at all discussed by the first respondent in the impugned order. Only because a number of cases were being registered against the petitioner, the first respondent has passed the impugned order, without conducting any enquiry.

6. In the above circumstances, the impugned order, dated 22.12.2021 made in Na.Ka.A3/3880/2021 (M.C.No.12/2021) on the file of the Sub Divisional Executive Magistrate cum Revenue Divisional Officer, Kulithalai, Karur District, is hereby set aside and this Criminal Revision Case is allowed. The petitioner is directed to be released forthwith, unless his presence is required in any other



case. Since a previous murder case is pending against the petitioner, the first respondent is at liberty to take fresh action in accordance with law, if there is any necessity. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Ls

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Sub Divisional Executive Magistrate cum
Revenue Divisional Officer,
Kulithalai Taluk, Karur District.

2.The Inspector of Police,
Kulithalai Police Station, Karur District.

3.The Superintendent, Central Prison, Trichy.

4.The Superintendent of Police, Karur.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl. R.C. (MD) No.33 of 2022
01.02.2022

ma (CO)

MGJ(01.02.2022) 3P 6C