



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATE : 27.01.2022
CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

WEB COPY

Crl. R.C.(MD)No.58 of 2022
and
Crl.M.P.(MD)No.1021 of 2022

Simonraj

... Petitioner/Accused

Vs.

- 1.The Second Class Taluk Executive Magistrate Cum
Revenue Tahsildar
Dindigul East,
Dindigul. ... 1st Respondent/Respondent
- 2.The State Rep. By its
The Inspector of Police,
Dindigul Town South Police Station,
Dindigul District. ... 2nd Respondent/Complainant
- 3.The Superintendent of Prison,
Sub Jail,
Vedasandur,
Dindigul District. ... 3rd Respondent/Respondent

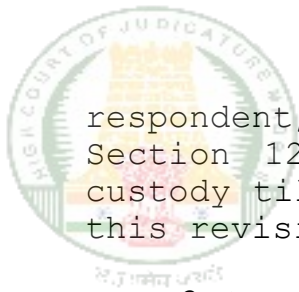
Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the records relating to the order of the first respondent by his proceedings in Na.Ka.No.7/2021/A1 dated 22.11.2021 and to set aside the same as illegal.

For Petitioner : Mr.B.Arun, Advocate
For Respondents : Mrs.M.Aasha, Government Advocate

ORDER

This petition has been filed to set aside the proceedings passed in M.C.No.7/2021/A1, dated 22.11.2021, on the file of the first respondent.

2.The second respondent referred a case in LIR.No.145 of 2021 before the first respondent. In M.C.No.133/2021/A1, dated 30.09.2021 the petitioner executed a bond before the first respondent for maintaining good behavior for a period of six months. Subsequently, the petitioner involved in a case in Crime No.1212 of 2021 under Sections 387 and 506(ii) of IPC. On the requisition of the second



respondent, the first respondent passed the impugned order under Section 122(1)(b) of Cr.P.C., directing the petitioner to be in custody till 29.03.2022 Against that order, the petitioner preferred this revision petition.

3.On the side of the petitioner, it is stated that the petitioner was produced before the first respondent on 22.11.2021 and on the same date, the impugned order was passed. The copies of the document were not furnished to the petitioner. No witness was examined and no enquiry was conducted and no opportunity was given to the petitioner and prayed the impugned order to be set aside.

4.On the side of the respondents, it is stated that before the completion of the bond period, the petitioner violated the bond condition and indulged in an offence and FIR in Crime No.1212 of 2021 was registered against the petitioner and he was arrested on 18.11.2021. The petitioner is having three previous cases. Only after following all the procedures, the impugned order was passed and prayed the petition to be dismissed.

5.A perusal of the impugned order reveals that there is no mentioning regarding the furnishing of the copies to the petitioner. No enquiry was conducted by the first respondent. No witness was examined and no opportunity was given to the petitioner. The petitioner is in custody for the past two months. In the above circumstances, the impugned order is liable to be set aside.

6.In the result, the Criminal Revision Case is allowed. The petitioner is directed to be released forthwith, unless his presence is required in any other case. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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 Second Class Taluk Executive Magistrate Cum
Revenue Tahsildar
Dindigul East, Dindigul.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Inspector of Police,
Dindigul Town South Police Station,
Dindigul District.

3.The Superintendent of Prison,
Sub Jail,
Vedasandur,
Dindigul District.

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

+1 cc to Mr.B.Arun, Advocate, SR.No.2760

Crl. R.C. (MD)No.58 of 2022

Date:27.01.2022

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