



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 02.02.2022

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.81 of 2022

and

Crl.M.P.(MD)No.1481 of 2022

WEB COPY

Wahith @ Abdul Wahith

.. Petitioner/Accused

Vs.

1. The Second Class Taluk Executive Magistrate Cum
Revenue Tahsildar,
Dindigul East, Dindigul. ... 1st Respondent/Respondent
- 2.The Inspector of Police,
Dindigul Town South Police Station,
Dindigul District. ... 2nd Respondents / complainant
- 3.The Superintendent,
Sub Jail, Palani,
Dindigul District. .. 3rd Respondent/Respondent

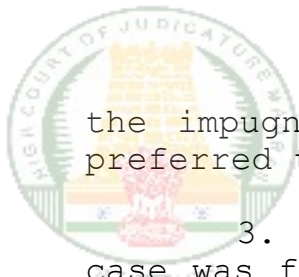
Prayer : This criminal revision case is filed under Section 397 r/w. Section 401 of Cr.P.C., to call for the records relating to the order of the 1st respondent by his proceedings in Na.ka.No.07/2021/A1, dt 18/11/2021 and set aside the same as illegal and allow the above Criminal Revision Petition.

For Petitioner	: Mr.B.Arun
For Respondents	: Mr.R.Suresh Kumar
	Government Advocate

ORDER

This Criminal Revision Case has been filed to set aside the order passed by the first respondent, in Na.ka.No.07/2021/A1, dated 18.11.2021.

2.The second respondent referred a case in L.I.R.No.200/2021, under Section 110 (e) Cr.P.C to the first respondent. The first respondent took up the case on file as M.C.No.214 / 2021. Before the first respondent, the petitioner has executed a bond on 21.10.2021, to maintain good behavior for a period of six months. Subsequently, on 16.11.2021, the petitioner involved in an offence in Crime No.1209 of 2021, under Sections 387 and 506(ii) I.P.C. On the information given by 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 a false case was foisted against the petitioner by the Dindigul Town Police Station. The petitioner was arrested on 16.11.2021 and produced before the first respondent on 18.11.2021 and on the same day, the impugned order was passed. Copies of the documents were not furnished to the petitioner. No opportunity was given to the petitioner to cross examine the witnesses and prayed the impugned order to be set aside.

4. On the side of the respondents, it is stated that the petitioner has executed a bond to maintain good behavior for a period of six months, but, he involved in an offence in Crime No.1209 of 2021, under Sections 387 and 506(ii) I.P.C on the file of the Dindigul Town Police Station and the petitioner was arrested on the same date (ie.16.11.2021) and he is having a previous case in Crime No.1932 of 2020, under Sections 147, 148, 326, 449, 302, 506 (ii) I.P.C. r/w. Section 3(2)9v) of SC/ST Act. Only after examining the witnesses, the impugned order was passed by the first respondent and prayed the petition to be dismissed.

5. The impugned order is silent whether copies were furnished to the petitioner. It is seen that the order was passed on the same day of enquiry and the petitioner was given no opportunity to cross examine the witnesses. The case of the petitioner was not at all discussed by the first respondent. Hence, the impugned order is liable to be set aside.

6. In the above circumstances, the impugned order in Na.Ka. No.07/2021/A1, dated 18.11.2021, passed by the first respondent 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.

7. Considering the previous antecedent of the petitioner, liberty is given to the first respondent to initiate proceedings, if there is any necessity. Consequently, connected Miscellaneous Petition is closed.

Sd/-

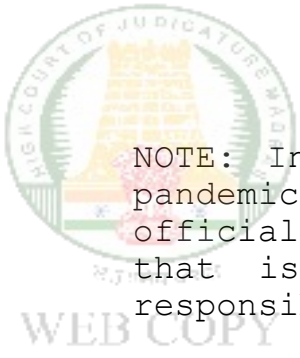
Assistant Registrar(Crl side)

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/ /2022

Sub Assistant Registrar(CS)

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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.
2. The Inspector of Police,
Dindigul Town South Police Station,
Dindigul District.
3. The Superintendent/ Officer incharge,
Sub Jail, Palani,
Dindigul District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.B.ARUN, Advocate (SR-3800[F] dated 02/02/2022)

Crl. R.C.(MD)No.81 of 2022
02.02.2022

ps (CO)
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