



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 27.01.2022

CORAM

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**THE HONOURABLE MRS. JUSTICE R. THARANI**

Crl. R.C.(MD)No.57 of 2022  
and  
Crl.M.P.(MD)No.1008 of 2022

M.Rajammal @ Rasammal

.. Petitioner

Vs.

1.The II Class Executive Magistrate/the Tahsildar  
Bodinayakkanur Taluk,  
Theni District.

2.The Inspector of Police,  
PC Patti Police Station,  
Theni District.

3.The Superintendent,  
Madurai Central Prison,  
Special Prison for Women,  
Madurai District.

.. Respondents

**Prayer :** This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the records pertaining to the impugned order in M.C.No.98/2021/A5, dated 07.01.2022 by sentencing her undergo six months imprisonment for violating the bond under Section 110 of Cr.P.C., passed by the respondent no.1 and to set aside the same.

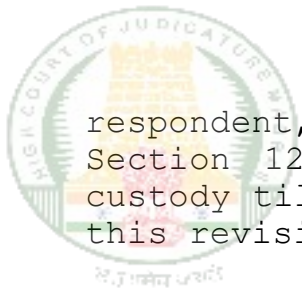
For Petitioner  
For Respondents

: Mr.I.Pinaygash  
: Mrs.M.Aasha, Government Advocate

**ORDER**

This petition has been filed to set aside the proceedings passed in M.C.No.98/2021/A5, dated 07.01.2022, on the file of the first respondent.

2.The second respondent referred a case in LIR.No.31 of 2021 before the first respondent. In M.C.No.98 of 2021, dated 22.09.2021 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.8 of 2022 under Section 4(1)(a) of TNP Act. 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 21.03.2022 Against that order, the petitioner preferred this revision petition.

3.On the side of the petitioner, it is stated that the petitioner is an aged lady 52 years old lady and she is in custody for the past 22 days. No notice was given to the petitioner. No documents was furnished to the petitioner. The petitioner was not given opportunity to put forth her case. No enquiry was ever conducted. The petitioner is having one previous case of similar nature and prayed the impugned order to be set aside.

4.On the side of the respondents, it is stated that on 22.09.2021, the petitioner executed a bond under Section 110 of Cr.P.C. But she has violated the bond conditions. The petitioner was having 40 previous cases, which are all similar in nature and prayed the petition to be dismissed.

5.A perusal of the impugned order reveals that the copies of the document were not furnished to the petitioner. No witness was examined by the first respondent. No enquiry was conducted. No opportunity was given to the petitioner. Notice for the appearance of the petitioner was served on 05.01.2022 and the impugned order was passed on 07.01.2022. 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 II Class Executive Magistrate/the Tahsildar  
Bodinayakanur Taluk,  
Theni District.

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



2.The Inspector of Police,  
PC Patti Police Station,  
Theni District.

3.The Superintendent of Prison,  
Madurai Central Prison,  
Special Prison for Women,  
Madurai District.

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

+1 CC to M/s.I.PINAYAGASH, Advocate ( SR-2746[F] dated 28/01/2022 )

Crl. R.C.(MD)No.57 of 2022  
27.01.2022

PK(CO)  
KB(28.01.2022) 3P 6C