



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 03/02/2022

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

CRL RC(MD). No.85 of 2022

WEB COPY

M.Anandaraj,
S/o Mahalingam.

... Petitioner/Accused

Vs

1.The Sub Divisional Magistrate,
Cum Revenue Divisional Officer,
Executive Magistrate, Aruppukottai,
Virudhunagar District.

...1st Respondent/
Executive Magistrate

2.The Inspector of Police,
Bajar Police Station, Virudhunagar,
Virudhunagar District.

... 2nd Respondent/Complainant

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 dt. 24.09.2021 passed in M.C No. 123 of 2021 by R1 and set aside the same including the bond executed by the petitioner dt. 24.09.2021 u/s 109 Cr.P.C.

For Petitioner : Mr.D.Malaichamy,
Advocate.

For Respondent : Mr.R.Sureshkumar,
Government Advocate (Crl.Side)

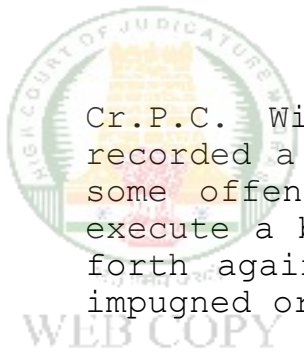
O R D E R

This Criminal Revision Case has been filed to set aside the order dated 24.09.2021 passed in M.C No. 123 of 2021 by the first respondent, including the bond executed by the petitioner u/s 109 Cr.P.C.

2.The second respondent has initiated proceedings in LIR No. 6 of 2021, under Section 109 Cr.P.C. and forwarded the same to the first respondent. The first respondent has taken up the matter in M.C.No.123 of 2021 and ordered the petitioner to execute a bond under Section 109 Cr.P.C. Against the order, the petitioner has filed this revision.

3.On the side of the petitioner, it is stated that the first respondent has failed to issue show cause notice under Section 111

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



Cr.P.C. Without a show cause notice, the first respondent has recorded a statement, as if, the petitioner has attempted to commit some offence and the first respondent insisted the petitioner to execute a bond. There is no discussion regarding the allegation put forth against the petitioner in the impugned order and prayed the impugned order to be set aside.

4.On the side of prosecution, it is stated that the petitioner was involved in eight previous cases. Out of which, six cases ended in conviction and one case ended in acquittal and one case is pending trial. Since the petitioner is a threat to piece, the second respondent referred the matter to the first respondent.

5.It is seen that M.C.No.123 of 2021 was registered on 23.09.2021 and a show cause notice was issued to the petitioner to appear on 24.09.2021. When a person is habitually indulging in commission of offence or attempting to commit some offence, the first respondent is having the power to take proceedings under Section 109 Cr.P.C. Only as a preventive measure, a bond was obtained from the petitioner.

6.There is no reason sufficient enough to interfere in the impugned order. Hence, this Criminal Revision case is dismissed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PNM

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 Magistrate,
Cum Revenue Divisional Officer,
Executive Magistrate, Aruppukottai,
Virudhunagar District..
2. The Inspector of Police,
Bajar Police Station, Virudhunagar,
Virudhunagar District.



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

CRL RC(MD) No.85 of 2022
Date : 03/02/2022

WEB COPY

RD(23.02.2022) 3P 4C