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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/02/2022

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

CRL RC(MD) . No.48 of 2022

Ganesan @ Padaikambu Ganesan, ... Petitioner/Accused

Vs

1. The Administrative Executive
Magistrate Cum Deputy Commissioner of
Police (North), Madurai City..
2. The Inspector of Police,
D-2 Sellur (Law and Order)
Police Station,
Madurai City..
3. The Superintendent,
Central Prison, Madurai. ... Respondents/Complainants

PRAYER :-

This criminal revision case is filed under Section 397 r/w. Section 401 of Cr.P.C., to call for records relating to the order of the R1 by his proceedings in M.C. No. 1269/Ne.Sae.Na and Ka.Thu.Aa/Ma.Maa./2021, dated 12.01.2022 and set aside the same as illegal and allow the above Crl.R.C.

For Petitioner : Mr.M.Jegadeesh Pandian,
Advocate.

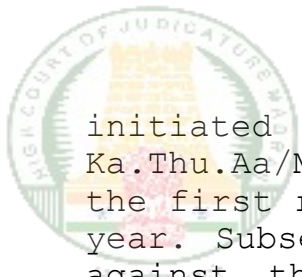
For Respondents: Mr.R.Sureshkumar,
Government Advocate (Crl.Side)

O R D E R

This Criminal Revision Case has been filed to set aside the order dated 12.01.2022 passed by first respondent in his proceedings in M.C. No. 1269/Ne.Sae.Na and Ka.Thu.Aa/Ma.Maa./2021.

2.The second respondent referred the case under Section 110 Cr.P.C, before the first respondent. The first respondent has

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initiated the proceedings in M.C.No. 1269/Ne.Sae.Na and Ka.Thu.Aa/Ma.Maa./2021. The petitioner has executed a bond, before the first respondent to maintain good behaviour, for a period of one year. Subsequently, a case in Crime No.1081 of 2021 was registered against the petitioner. The first respondent has initiated the proceedings under Section 122(1)(b) r/w 117 Cr.P.C and passed the impugned order. Against the impugned order, the petitioner has approached this Court.

3.On the side of the petitioner, it is stated that the petitioner executed a bond on 27.09.2021, but subsequently a false case was registered in Crime No.1081 of 2021. No opportunity was given to the petitioner to cross examine the witnesses. The procedures were not properly followed by the first respondent and prayed the impugned order to be set aside.

4.On the side of prosecution, it is stated that the petitioner executed a bond and violated the bond condition, by involving in the subsequent offence. The petitioner is a habitual offender. History sheet in H.S. 307 of 2000 was maintained against the petitioner. He was involved in 16 previous cases, including a murder case. Only on following due procedure, the impugned order was passed by the first respondent and prayed the petition to be dismissed.

5.In view of the above, reply given on the side of the petitioner that except two cases, all other cases were already disposed of and prayed the impugned order to be set aside.

6.A perusal of the impugned order reveals that copy of the documents were furnished to the petitioner, at the time of issuing PT warrant and that the petitioner was intimated that he can cross examine the witnesses and he can engage an Advocate. On 05.01.2022, the first respondent has examined three witnesses and the petitioner cross examined one of the witness, on the same day and prayed for adjournment, to cross examine the other two witnesses and hence, the case was adjourned to 07.01.2022. On 07.01.2022, the petitioner cross examined one of the witnesses and again seeks adjournment, to cross examine the other witness and the case was then adjourned to 12.01.2022. On 12.01.2022, the petitioner cross examined the third witness. The petitioner has reported that he has no witness or documents on his side.

7.It is seen that the petitioner involved in 16 previous cases. Out of which, six cases were disposed of, seven cases are pending trial and three cases are pending for taking them on file. In the above said cases, five cases are similar in nature. Considering the previous antecedents of the petitioner and considering the period of incarceration, this Court is not inclined to set aside the impugned order, at the present stage.



8. Accordingly, this Criminal Revision case is dismissed.

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Sd/-
Assistant Registrar (ADI)

/ /2022
Sub Assistant Registrar

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 Administrative Executive
Magistrate Cum Deputy Commissioner of
Police (North), Madurai City.
2. The Inspector of Police,
D-2 Sellur (Law and Order) Police Station,
Madurai City.
3. The Superintendent,
Central Prison, Madurai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL RC (MD) No.48 of 2022
Date : 03/02/2022

SP/02/03/2022/3P/5C