



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2022

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C. (MD)No.146 of 2022

WEB COPY

Rajagopal @ Sagappagopal

... Petitioner/Petitioner

Vs.

1.State rep by

The II Class Executive Magistrate
cum Tahsildar, Dindigul East Taluk,
Dindigul District.

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

3. The Superintendent of Prison,
District Prison,
Dindigul.

... Respondents/Respondents

Prayer: This Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C. to call for the records and set aside the order passed by the 1st respondent in Na.Ka.No.07/2021/A1 dated 30.12.2021 and allow this Criminal Revision Petition.

For Petitioner : Mr.J.Imran Khan

For Respondents : Mrs.M.Aasha

Government Advocate (Criminal Side)

O R D E R

This Criminal Revision Petition has been filed to challenge the order passed by the 1st respondent in Na.Ka.No.07/2021/A1 dated 30.12.2021, thereby detained the petitioner for the remaining bond period.

2.The second respondent has initiated proceedings in LIR No.85 of 2021, under Section 110(e) Cr.P.C., as against the petitioner on 18.10.2021. The petitioner executed a bond for a period of six months, which expires on 17.04.2021. Since he involved in another offence in Cr.No.1236 of 2021 for the offences punishable under Sections 394, 397 and 506(ii) IPC on 21.12.2021, he was arrested and remanded to judicial custody on 21.10.2021. While pending the bond period, he committed offence and a report was sent to the first respondent for initiation of proceedings of 122(1)(b) Cr.P.C., as against the petitioner. On summon, the petitioner was produced on 30.12.2021. On that day itself, the first respondent passed the impugned order.



3.On perusal of records, it is revealed that on the day of production of petitioner before the first respondent, the order has been passed. No show cause notice has been issued on the petitioner. That apart, there is no proof that the copies were furnished to the petitioner. Without conducting any enquiry and without giving any opportunity to the petitioner to cross examine the witnesses produced by the second respondent, the impugned order has been passed.

4.Therefore, it is clear that it amounts to clear violation of principles of natural justice and the impugned order cannot be sustained as against the petitioner.

5.In view of the above, this Criminal Revision Case is allowed and the impugned order passed by the 1st respondent in Na.Ka.No.07/2021/A1 dated 30.12.2021 is hereby set aside. The petitioner is directed to be released set forth, unless his presence is required, in connection with any other case. No order as to costs.

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 II Class Executive Magistrate,
cum Tahsildar, Dindigul East Taluk,
Dindigul District.
- 2.The Inspector of Police,
Dindigul Town North Police Station,
Dindigul District.
- 3.The Superintendent of Prison,
District Prison,



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

COPY TO:-

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+1 CC to M/s.J.IMRAN KHAN, Advocate (SR-6721[F] dated 17/02/2022)

ORDER IN

Cr1.R.C. (MD) No.146 of 2022

17.02.2022

NSN (CO)

GC(25.02.2022) 3P 8C