



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2022

CORAM:

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

Crl.R.C. (MD)No.74 of 2022

Kavi @ Sundara Kaviswarar

... Revision Petitioner/
Respondent

Vs.

1. The Sub Divisional Executive Magistrate-cum-
Sub Collector,
Pattukottai Taluk,
Thanjavur District.

...1st Respondent/Nil

2. State rep.through
The Inspector of Police,
Thiruchitrambalam Police Station,
Thanjavur District
(in Crime No.316 /2021)

...2nd Respondent/Petitioner

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 dated 29.09.2021 made in M.C No.36/2021/A3 on the file of Sub Divisional Executive Magistrate-cum- Sub Collector, Pattukkottai, Thanjavur District and allow the Criminal Revision.

For Petitioner : Mr.A.Arunprasad

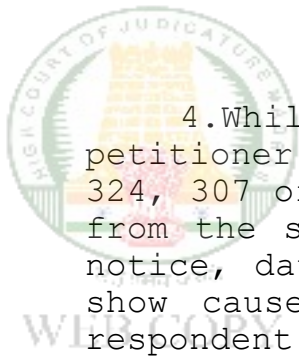
For Respondents : Mr.K.Sanjay Gandhi
Government Advocate

ORDER

The petition has been filed to set aside the order passed by the Sub Divisional Executive Magistrate cum Sub Collector, Pattukkottai, Thanjavur District in M.C.No.36 /2021/A3, dated 29.09.2021, thereby, detained the petitioner for the remaining bond period.

2.The only ground raised by the petitioner is that the petitioner was not given sufficient opportunity to cross examine the witnesses produced by the prosecution and he was not given opportunity to engage an Advocate.

3.On perusal of the impugned order, it is revealed that the petitioner has executed a bond for a period of three years in M.C.No.36 of 2021, dated 25.02.2021.



4.While pending the bond period, on 22.07.2021, again the petitioner committed offence punishable under Sections 294(b), 452, 324, 307 of IPC in Crime No.316 of 2021. On the information received from the second respondent, the first respondent issued show cause notice, dated 24.09.2021 to the petitioner. On issuance of the said show cause notice, the petitioner was appeared before the first respondent and on enquiry, he also deposed.

5.Therefore, the petitioner was given sufficient opportunity to engage Counsel and he was given opportunity of hearing and also opportunity of cross examination. On the deposition of the petitioner, it is revealed that he has admitted the offence committed by him while pending the bond period. After perusal of the evidence by oral and material, the first respondent passed the impugned order and detained the petitioner for the remaining bond period under Section 122 of Cr.P.C.

6.The learned Counsel appearing for the petitioner stated that the petitioner was not given opportunity to engage a Counsel to repay on behalf of him. He also relied upon the judgment of this Court passed in Crl.R.C.(MD)No.110 of 2022.

7.In the said case, the accused was not given opportunity of hearing and without even issuing show cause notice, straightaway passed an impugned order and this Court held that the impugned proceedings as illegal and quashed the same, whereas, in the case on hand, on 24.09.2021, the petitioner has been duly served show cause notice and he was given opportunity of hearing and opportunity of cross examination of the witnesses. Therefore, the above judgment cited by the learned Counsel appearing for the petitioner is not helpful to the case on hand.

8.In view of the above, this Court finds no infirmity or illegality in the order passed by the first respondent. Accordingly, the criminal revision case is dismissed.

Sd/-

Assistant Registrar (CS-III)

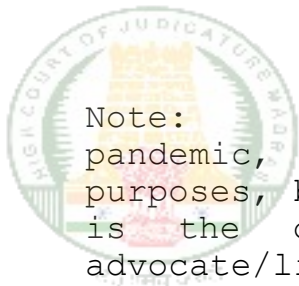
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/ /2022

Sub Assistant Registrar(CS)

lr

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



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.

WEB COPY

To

1. The Sub Divisional Executive
Magistrate-cum- Sub Collector,
Pattukkottai, Thanjavur District.
2. The Inspector of Police,
Thiruchitrambalam Police Station,
Thanjavur District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.R.C. (MD)No.74 of 2022
03.03.2022

_RD(15.03.2022) 3P 4C