



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 04.02.2022

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl.R.C.(MD)No.97 of 2022

and

Crl.M.P(MD)No.1775 of 2022

B.Mathi @ Mathivannan .. Petitioner/Accused

Vs.

1.The Sub Divisional Executive Magistrate/
Revenue Divisional officer,
Palani,
Dindigul District. .. Respondent No.1

2.State Rep. by
Inspector of Police,
Chathirapatti Police Station,
Dindigul District. ... Respondent No.2/Complainant

3.The Superintendent,
District Jail,
Dindigul,
Dindigul District. .. Respondents

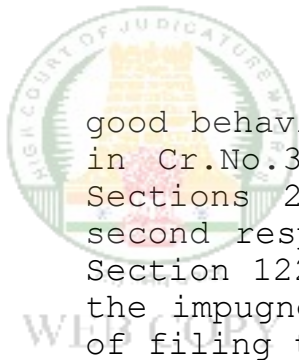
Prayer : This criminal revision case is filed under Sections 397 and 401 of Cr.P.C., to call for the records pertaining to the Impugned Order in M.C.No.235/2021/A7, dated 31.12.2021 by sentencing him to undergo imprisonment till 11.11.2022 for violating the bond under Section 110 of Cr.P.C., passed by the Respondent No.1 and set aside the same.

For Petitioner : Mr.K.Dinesh
For Respondents : Mr.K.Sanjay Gandhi
Government Advocate

O R D E R

This revision has been filed to set aside the order passed in M.C.No.235/2021/A7, dated 31.12.2021 by the first respondent.

2.The second respondent has referred the matter in L.I.R.No.14 of 2021 before the first respondent. The first respondent has registered a case in M.C.No.235 of 2021. After enquiry, the petitioner executed a bond on 11.11.2021 to maintain



good behaviour for a period of one year. But, subsequently, a case in Cr.No.312 of 2021 was registered against the petitioner under Sections 294(b), 307 and 506(ii) of IPC. On information by the second respondent, the first respondent initiated proceedings under Section 122(1)(b) of Cr.P.C., and passed the impugned order. Against the impugned order, the petitioner has approached this Court by way of filing this Criminal Revision Case.

3. On the side of the revision petitioner, it is stated that sufficient documents were not furnished to the petitioner and no enquiry was conducted and no opportunity was given to him and prayed the impugned order to be set aside.

4. On the side of the prosecution, it is stated that the petitioner is having 6 previous cases. On 11.11.2021 he has executed a bond to maintain good behaviour for a period of one year, but on 17.12.2021 he involved in an offence in Cr.No.312 of 2021 for the offences under Sections 294(b), 307 and 506(ii) of IPC. The petitioner was arrested on 18.12.2021 and sufficient opportunity was given to him and after following the due procedures, the impugned order was passed and prayed the petition to be dismissed.

5. The impugned order is silent whether copies of documents were furnished to the petitioner. He was produced before the first respondent on 31.12.2021 and that the impugned order was passed on the same day. The impugned order is silent whether the opportunity for cross-examination was given to the petitioner. The first respondent failed to disclose anything about the contention raised by the petitioner. The impugned order is silent whether the first respondent was satisfied with the reasons for the order. Hence, the impugned order in M.C.No.235/2021/A7, dated 31.12.2021 is liable to be set aside.

6. Accordingly, the Criminal Revision Case is allowed and the impugned order in M.C.No.235/2021/A7, dated 31.12.2021 passed by the first respondent is set aside. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

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/ /2022

Sub Assistant Registrar(CS)

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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 Executive Magistrate/
Revenue Divisional officer,
Palani, Dindigul District.

2.The Inspector of Police,
Chathirapatti Police Station,
Dindigul District.

3.The Superintendent,
District Jail,
Dindigul,
Dindigul District.

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

+1 CC to M/s.K.DINESH, Advocate (SR-4338[F] dated 04/02/2022)

CrI. R.C.(MD)No.97 of 2022
04.02.2022

nsn(CO)

TR(09.02.2022) 3P 6C