



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2022

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**
Crl.R.C.(MD)No.151 of 2022
and
Crl.M.P(MD)No.2558 of 2022

Anbarasan

... Petitioner/
Accused

Vs.

1.The Second Class Taluk Executive Magistrate Cum
Revenue Tahsildar,
Dindigul East,
Dindigul.

... 1st Respondent/
Respondent

2.The State Rep. By
The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District.
(Amended as per order of this Court
dated 23.02.2022 in Crl.MP(MD) No. 2752 of 2022
in Crl.R.C.(MD)No.151 of 2022)

... 2nd Respondent/
Complainant

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

... 3rd Respondent/
Respondent

Prayer : This Criminal Revision has been filed under Section 397 read with 401 of Criminal Procedure Code, to call for the records relating to the order of the first respondent by his proceedings in Na.Ka.No.08/2021/A1, dated 31.12.2021 and set aside the same.

For Petitioner : Mr.B.Arun

For Respondents : Mr.K.Sanjay Gandhi

Government Advocate (Criminal Side)

O R D E R

This petition has been filed seeking to set aside the proceedings passed in Na.Ka.No.08/2021/A1, dated 31.12.2021, on the file of the first respondent.



2. The second respondent referred a case in LIR.No.121/2021 before the first respondent. In M.C.No.176/2021/A1, dated 05.10.2021 the petitioner executed a bond before the first respondent for maintaining good behavior for a period of six months. Subsequently, the petitioner involved in a case in Crime No.1289 of 2021 under Sections 387 and 506 (ii) IPC. On the requisition of the second respondent, the first respondent passed the impugned order under Section 122(1)(b) of Cr.P.C., directing the petitioner to be in custody till 02.04.2022. Against that order, the petitioner preferred this revision petition.

3. On the side of the petitioner, it is stated that the petitioner executed a bond on 05.10.2021 for maintaining good behavior. But subsequently, a false case was foisted against the petitioner. The petitioner was produced before the first respondent on 28.12.2021. Without conducting proper enquiry and without furnishing copies to the petitioner and without giving an opportunity to the petitioner to put forth his case, the impugned order was passed by the first respondent on the same date and prayed the impugned order to be set aside.

4. On the side of the respondents, it is stated that the petitioner has violated the bond conditions and indulged in an offence in Crime No.1289 of 2021. The petitioner is also having a previous case and prayed the petition to be dismissed.

5. A perusal of the impugned order reveals that the petitioner was produced before the first respondent on 28.12.2021 and the impugned order was passed on the same date. There is no mentioning made in the impugned order whether copies were furnished to the petitioner and whether the petitioner was given opportunity to cross examine the witness. The petitioner is in custody from 28.12.2021. almost half of the bond period was already over. In the above circumstances, the impugned order is liable to be set aside.

6. In the result , the Criminal Revision Case is allowed. The petitioner is directed to be released forthwith, unless his presence is required in any other case. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mga



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 Second Class Taluk Executive Magistrate Cum
Revenue Tahsildar,
Dindigul East,
Dindigul.
- 2.The Inspector of Police,
Dindigul Taluk 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.B.ARUN, Advocate (SR-8221[F] dated 23/02/2022)

Cr1.R.C.(MD)No.151 of 2022

23.02.2022

MGJ(24.02.2022) 3P 6C