



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.R.C. (MD) No.133 of 2022

and

Cr1.M.P. (MD) .No.2340 of 2022

Deivendran

...Revision Petitioner/Respondent

Vs.

1.The Sub-Divisional Magistrate cum
Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District. ... 1st Respondent

2.The Inspector of Police,
Ettaiyapuram Police Station,
In-charge of Eppothumvendran Police Station,
Thoothukudi District. ... 2nd Respondents / complainant

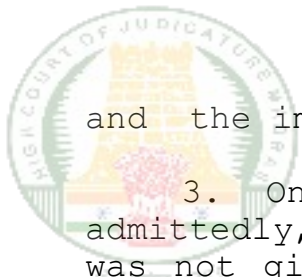
PRAYER: Criminal Revision Case filed under Section 397 and 401 Cr.P.C. praying to call for the records pertaining to the order passed in M.C.No.592 of 2021 dated 28.12.2021 on the file of the first respondent and set aside the same.

For Petitioner : Mr.R.Murugan
For Respondents : Mr.K.Sanjay Gandhi,
Government Advocate (Cr1. Side)

ORDER

This Criminal Revision Petition has been filed challenging the order passed in M.C.No.592 of 2021 dated 28.12.2021 on the file of the first respondent, thereby, detaining the petitioner for the remaining bond period pursuant to the crime registered against the petitioner in Crime No.202 of 2021.

2. The petitioner was directed to execute the bond by the first respondent on 13.09.2021 and accordingly, he executed the same for the period of one year. However, on 15.12.2021, again, F.I.R. has been registered as against the petitioner in Crime No.202 of 2021 for the offences under Section 294(b), 324, 506(ii) IPC read with Section 4 of Tamil Nadu Prohibition of Woman Harassment Act. Pursuant to the said crime, the petitioner was arrested and remanded to judicial custody on 15.12.2021 and it was informed to the first respondent by the report dated 17.12.2021. Subsequently, the petitioner was produced before the first respondent on 27.12.2021



and the impugned order has been passed on 28.12.2021.

3. On perusal of the impugned order, it is seen that, admittedly, no show cause notice was served on the petitioner and he was not given any opportunity of hearing. That apart, he was not given an opportunity of cross-examination of witnesses examined by the second respondent. It amounts to violation of principles of natural justice and as such, the entire proceedings is vitiated and it is liable to be quashed.

4. Accordingly, the impugned order passed by the first respondent in M.C.No.592 of 2021 dated 28.12.2021 is hereby quashed and the respondents are directed to release the petitioner forthwith, unless he is required in connection with any other case.

5. With the above observations and directions, this Criminal Revision Case is allowed. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

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 Magistrate cum
Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District.

2.The Inspector of Police,
Ettaiyapuram Police Station,
In-charge of Eppothumvendran Police Station,
Thoothukudi District.



3. The Officer Incharge, District Prison, Perurani,
Thoothukudi District.

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

Crl.R.C. (MD) No.133 of 2022
17.02.2022

SMV(CO)
TR(17.02.2022) 3P 5C