



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **03.03.2022**

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C(MD)No.152 of 2022

Natrayan

...Petitioner

Vs.

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

2.The Inspector of Police,
Dindigul South Police Station,
Dindigul City.

...Respondents

Prayer : This Criminal Revision is filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the entire records pertaining to the order passed by the learned Second Class Executive Magistrate cum Tahsildar, Dindigul East Taluk, Dindigul District in Na.Ka.No.07/2022/A1, signed on 31.01.2022 and set aside the same.

For Petitioner : Mr.S.Balaji

For Respondents: Mrs.M.Aasha
Government Advocate (Crl.Side)

O R D E R

The petition has been filed challenging the order passed by the learned Second Class Executive Magistrate cum Tahsildar, Dindigul East Taluk, Dindigul District in Na.Ka.No.07/2022/A1, dated 31.01.2022, thereby, detained the petitioner for the remaining bond period.

2.The petitioner executed a bond under Section 110 of Cr.P.C on 30.09.2021 for a period of six months. While pending the bond period, again the petitioner committed offence and the same has been registered in Crime No.18 of 2022, for the offences under Sections 294 (b), 324 and 506 (ii) of IPC on 29.01.2022. In pursuant to the said crime, he was arrested and remanded to judicial custody. On receipt of the information from the second respondent, the first respondent initiated proceedings under Section 122 (1)(b) of Cr.P.C and the petitioner was produced before the first respondent on 31.01.2022. On the very same day, without even issuing show cause



notice to the petitioner and without giving opportunity of hearing and without giving opportunity of engaging an Advocate on his behalf, the impugned order has been passed and detained the petitioner for the remaining bond period.

3.In view of the above, it amounts to violation of principles of natural justice and on the sole ground, the impugned order cannot be sustained and the same is liable to be set aside.

4.Accordingly, the order passed in Na.Ka.No. 07/2022/A1, dated 31.01.2022, is set aside and the criminal revision case is allowed.

Sd/-

Assistant Registrar(AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

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 Executive Magistrate cum Tahsildar,
Dindigul East Taluk, Dindigul District.

2.The Inspector of Police,
Dindigul South Police Station, Dindigul City.

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

Copy to
the officer incharge,
sub Jail, palani, Dindigul District.

+1 CC to M/s.S.BALAJI, Advocate (SR-9821[F] dated
03/03/2022)

Crl.R.C(MD)No.152 of 2022
03.03.2022

SE (CO)
TR(03.03.2022) 2P 6C