



WEB COPY

Crl.R.C.(MD) No.162 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.02.2022

CORAM:

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

Crl.R.C. (MD)No.162 of 2022

and

Crl.M.P (MD) No.2667 of 2022

John Vivek @ Mani

... Petitioner/Petitioner

Vs.

State rep by

1. The II Class Executive Magistrate cum Tahsildar
Dindigul West
Dindigul

2. The Sub-Inspector of Police
Dindigul City South Police Station
Dindigul

...Respondents/Respondents

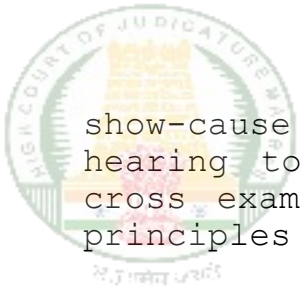
Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records and set aside the order passed by the 1st respondent in Na.Ka.No.7576/2022/A5 dated 05.02.2022 and allow this Criminal Revision Petition.

For Petitioner	: M/s. Imran Khan J
For Respondent	: Mr.R.M.Anbunithi
No.1 & 2	Additional Public Prosecutor

ORDER

This petition has been filed to call for the records and set aside the order passed by the 1st respondent in Na.Ka.No.7576/2022/A5 dated 05.02.2022 and allow this Criminal Revision Petition.

2. The petitioner executed a bond in LIR No.119 of 2021 under Section 110(e) of Cr.P.C before the first respondent for a period of six months namely, 05.10.2021 to 04.04.2022. While pending bond period, the petitioner committed an offence and a case came to be registered in Crime No.22 of 2022 for the offence under Sections 387 and 506(ii) of IPC on 02.02.2022. In that regard, he was arrested and remanded to judicial custody on 03.02.2022 and the same was reported before the first respondent by the second respondent and he was produced before the first respondent on 03.02.2022. On 05.02.2022, the impugned order has been passed without giving any



show-cause notice and without even affording an opportunity of hearing to the petitioner and also not given any opportunity of cross examining the witnesses. It amounts to clear violation of principles of natural justice.

3. Since this Court has repeatedly held that the petitioner should be given opportunity of hearing, issue show-cause notice, and opportunity to cross examine the witnesses and that the first respondent did not even follow the procedure as contemplated under the code of criminal procedure and without application of mind, had passed the impugned order.

4. In view of the above, the order passed by the 1st respondent in Na.Ka.No.7576/2022/A5 dated 05.02.2022 is hereby set aside and the revision stands allowed. The petitioner is directed to set at liberty forthwith, if his presence is not required in any other case. Consequently connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(P & A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

aav

To:-

1. The II Class Executive Magistrate cum Tahsildar
Dindigul West, Dindigul

2. The Officer Incharge,
Sub Jail, Vedasanthur, Dindigul District

3. The Sub-Inspector of Police
Dindigul City South Police Station, Dindigul

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

+1 CC to M/s.J.IMRAN KHAN, Advocate (SR-8416[F] dated 24/02/2022)

Crl.R.C. (MD) No.162 of 2022
22.02.2022

NA(CO)

TR(25.02.2022) 2P 6C