



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2022

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C. (MD)No.181 of 2022

and

Crl.M.P. (MD)No.2787 of 2022

George

... Petitioner/
Petitioner

Vs.

1.The State represented by
The II Class Executive Magistrate,
cum Tahsildar,
Dindigul East Taluk,
Dindigul District.

2.The Inspector of Police,
Dindigul Town South Police Station,
Dindigul District.

... Respondents/
Respondents

Prayer: This Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C. to call for the records and set aside the order passed by the first respondent in Na.Ka.No.07/2022/A1 dated 12.02.2022 and allow this Criminal Revision Petition.

For Petitioner : Mr.K.Imran Khan
For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor
(Criminal Side)

O R D E R

This Criminal Revision Petition has been filed to challenge the order passed by the first respondent in Na.Ka.No.07/2022/A1 dated 12.02.2022, thereby detained the petitioner for the remaining bond period.

2.The second respondent police registered a case against the petitioner in Crime No.1908 of 2020 under Sections 147, 148, 341, 302, 336, 506(ii) IPC and Crime No.371 of 2017 under Sections 147, 148, 149, 341, 302, 506(ii) IPC and thereafter, the second respondent on assumption that petitioner will disturb the public hence 110(e) proceeding was initiated in L.I.R.No.173/C1-PS/DGL/2021, petitioner was produced before the first respondent on 04.10.2021 and he executed a bond for Rs.1,00,000/- (Rupees One Lakh only) for a period of one year. Thereafter the petitioner involved in offences in Crime No.29 of 2022 under Section 294(b), 353, 506



(ii) IPC read with 25(1-A) Arms Act on 10.02.2022 was initiated against the petitioner and on 12.02.2022 the first respondent passed the impugned order vide Na.Ka.No.07/2022/A1 and directed the petitioner to appear before the first respondent on 12.02.2022 for enquiry through proper channel.

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3. On perusal of records, it is revealed that on the day of production of petitioner before the first respondent, the order has been passed. No show cause notice has been issued on the petitioner. That apart, there is no proof that the copies were furnished to the petitioner. Without conducting any enquiry and without giving any opportunity to the petitioner to cross examine the witnesses, produced by the second respondent, the impugned order has been passed.

4. Therefore, it is clear that it amounts to clear violation of principles of natural justice and the impugned order cannot be sustained as against the petitioner.

5. In view of the above, this Criminal Revision Case is allowed and the impugned order passed by the first respondent in Na.Ka.No.07/2022/A1 dated 12.02.2022 is hereby set aside. The petitioner is directed to be released set forth, unless his presence is required, in connection with any other case. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (As)

// 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 II Class Executive Magistrate,
cum Tahsildar,
Dindigul East Taluk,
Dindigul District.

2. The Inspector of Police,
Dindigul Town South Police Station,
Dindigul District.



3.The Superintendent,
District Prison,
Dindigul

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

CrI.R.C. (MD) No.181 of 2022

25.02.2022

MGJ(25.02.2022) 3P 5C