



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 15.03.2022
CORAM :

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

WEB COPY

Crl.R.C. (MD)No.253 of 2022
and
Crl.M.P. (MD)No.3419 of 2022

Villlammal

... Petitioner

Vs.

1.The Second Class Executive Magistrate
and Thasildar,
Office of the Second Class Executive Magistrate
and Thasildar,
Kamuthi Taluk,
Ramanathapuram District.

2.The Inspector of Police,
Kamuthi Police Station,
Ramanthapuram District.

3.The Superintendent of Prison,
Special Prison for Women,
Madurai District.

... Respondents

Prayer: This Criminal Revision Case is filed under Section 397 r/w. 401 of Cr.P.C., to call for the records connected with the order passed by the respondent No.1 in M.C.No.2 of 2021 dated 04.01.2022 and set aside the same as illegal.

For Petitioner : Mr.R.Alagumani
For Respondents : Mrs.Aasha,
Government Advocate (Crl. Side)

ORDER

This criminal revision case has been filed challenging the order passed by the first respondent in M.C.No.2 of 2021 dated 04.01.2022, thereby detained the petitioner for further bond period.

2.The petitioner executed a bond for a period of one year under Section 110 of Cr.P.C., on 29.11.2021. While pending bond period, the petitioner involved in any other crime and the same was registered in Crime No.816 of 2021 for the offences under Sections 294(b), 353 and 506(ii) of IPC and Section 8(c) r/w. 20(b)(ii)(A) of NDPS Act on 29.12.2021. Pursuant to the registration of the said crime number, the petitioner was arrested and remanded to juridical custody. While being so, the petitioner was served with show cause



notice dated 30.12.2021. On receipt of the said show cause notice from the second respondent about his involvement in Crime No.816 of 2021 during the pendency of the bond period, the petitioner was produced on 04.01.2022 before the first respondent and he was detained for the remaining period under Section 122(1)(b) of Cr.P.C. Admittedly, the petitioner was served with show cause notice dated 30.12.2021. On receipt of the same, the petitioner was produced before the first respondent on 04.01.2022 and on the very same day, the impugned order has been passed by the first respondent. However, the petitioner was not given the opportunity of hearing and he was also not given the opportunity to have a counsel of his choice to defend him. Further at the time of enquiry, the first respondent failed to furnish the materials to implicate the petitioner in the crime, if any. The first respondent did not conduct enquiry before passing the impugned order. Therefore, it is clear violation of principle of natural justice and the impugned order cannot be sustained as against the petitioner and it is liable to be set aside. Therefore, the impugned order dated 04.01.2022 in M.C.No.2 of 2021 passed by the first respondent is quashed and the criminal revision case is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

/TRUE COPY/

/ /2022
Sub Assistant Registrar(CS)

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To:

- 1.The Second Class Executive Magistrate
and Thasildar,
Office of the Second Class Executive Magistrate
and Thasildar,
Kamuthi Taluk,Ramanathapuram District.
 - 2.The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.
 - 3.The Superintendent of Prison,
Special Prison for Women,
Madurai District.
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- +1 CC to Mr.R.ALAGUMANI, Advocate (SR-12577[F] dated 16/03/2022)

Crl.R.C. (MD) No.253 of 2022
15.03.2022

MK/25.03.2022/2P/6C

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