



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C. (MD) No.190 of 2022

WEB COPY

Shahul Hameed

... Petitioner/Respondent
Vs.

1. The II Class Executive Magistrate
cum Thasildhar,
Dindigul West,
Dindigul District.

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

3. The Superintendent,
Sub Jail,
Vedachandur,
Dindigul District.

... Respondents/Complainants

PRAYER: Criminal Revision Case filed under Section 397 and 401 Cr.P.C., to call for the records relating to the proceedings in Na.Ka.No.7577/2022/A5 by the first respondent, dated 07.02.2022 and set aside the same.

For Petitioner : Mr.D.Venkatesh

For Respondents : Mrs. M.Aasha

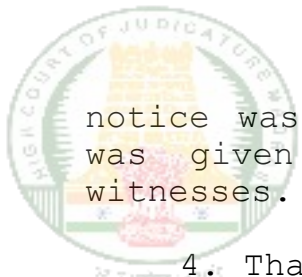
Additional Public Prosecutor (Crl.Side)

ORDER

This Criminal Revision Petition has been filed to set aside the proceedings in Na.Ka.No.7577/2022/A5 by the first respondent, dated 07.02.2022, detaining the petitioner for the remaining bond period by the impugned order, dated 07.02.2022 under Section 122(1)(b) Cr.P.C.

2. The petitioner executed a bond on 29.09.2021 for a period of six months till 28.03.2022 before the first respondent. However, during the bond period, he committed a crime and the same has been registered in Crime No.81 of 2022 under Section 25(1-A) of Arms Act, 1959. He was arrested and remanded to judicial custody on 03.02.2022. The same has been forwarded to the first respondent and initiated proceedings under Section 122(1)(b) Cr.P.C.

3. A perusal of the impugned order revealed that the first respondent issued only summons directing the petitioner to appear before him on 07.02.2022 for enquiry. Admittedly, no show cause



notice was issued to the petitioner and no opportunity of hearing was given to the petitioner to cross-examine the prosecution witnesses.

4. That apart, the first respondent failed to record his ground of satisfaction for passing the impugned order. When the petitioner was produced before the first respondent on the date, the impugned order has been passed for remaining period of bond under Section 122 (b) Cr.P.C. Therefore, the impugned order cannot be sustained against the petitioner and it is liable to be set aside. Accordingly, this Criminal Revision Case is allowed and the proceedings in Na.Ka.No.7577/2022/A5 is set aside. The second respondent is directed to set the petitioner at liberty forthwith, if the petitioner is not required in connection with any other case.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

10/03/2022

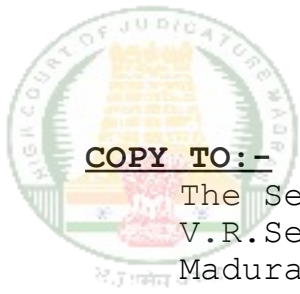
Sub Assistant Registrar(CS)

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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 Thasildhar, Dindigul West,
Dindigul District.
2. The Inspector of Police,
Dindigul Town (South) Police Station,
Dindigul District.
3. The Superintendent,
Sub Jail, Vedachandur,
Dindigul District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



COPY TO:-

The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

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01.03.2022

MA (CO)
GC (10.03.2022) 3P 7C