



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2022

CORAM:

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

Crl.R.C. (MD)No.210 of 2022

WEB COPY

Dinesh @ Dineshprabu

... Petitioner

Vs.

1. The Sub Divisional Magistrate and
Revenue Divisional Officer,
Paramakudi,
Ramanthapuram District.

2. The State
represented by the Inspector of Police,
Paramakudi Taluk Police Station,
Ramanthapuram District.
(In Cr.No.28 of 2022) ...Respondents

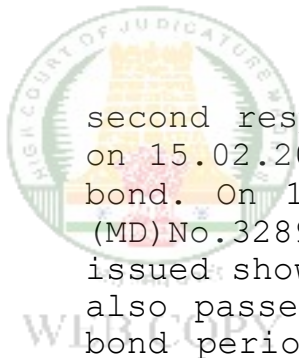
Prayer: This Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C. to set aside the order dated 17.02.2022 in M.C No.477 of 2021 passed u/s.122 (1) (b) of the Cr.P.C by the 1st respondent.

For Petitioners : Mr.G.Vishnuram
For R1 & R2 : Mr.M.Aasha
Government Advocate (Criminal Side)

ORDER

The revision petition has been filed to set aside the order passed by the first respondent in M.C.No.477 of 2021, dated 17.02.2022, thereby, detained the petitioner for the remaining bond period, which was executed by the petitioner.

2.On 29.03.2021 obedience to the summons and notice issued under Section 107 of Cr.P.C, calling upon him to show cause why he should not enter into bond for Ra.50,000/- under Section 122(1)(b) of Cr.P.C and he failed to comply with the said order.. While pending the surety bond, the petitioner again committed offence in Crime No.28 of 2022 on the file of the second respondent registered under Sections 279 and 337 of IPC, alleging that the petitioner was found in possession of deadly weapons and made preparation for dacoity. When the petitioner approached this Court for bail in Crl.O.P.(MD)No.3289 of 2022, on the instructions received from the



second respondent, the first respondent issued a show cause notice on 15.02.2022, as to why not action be taken for having breached the bond. On 16.02.2022, he was granted bail by this Court in Crl.O.P (MD)No.3289 of 2022. Again, on 17.02.2022, the first respondent issued show cause notice and on the same day, the impugned order was also passed and thereby, detained the petitioner for the remaining bond period, which was executed by the petitioner, on 29.03.2021, for a period of one year.

3.Admittedly, except the show cause notice, that too, on the same day, namely, 17.02.2022, the petitioner was not given opportunity of hearing and he was not given opportunity to engage any Counsel to appear on behalf of him before the first respondent. It amounts to clear violation of principles of natural justice and on this ground alone, the impugned order cannot be sustained and the same is liable to be set aside.

4.In the result, the order passed in M.C.No.477 of 2021 is set aside and the criminal revision case is allowed.

Sd/-

Assistant Registrar (CS-II)

// 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 Sub Divisional Magistrate and
Revenue Divisional Officer,
Paramakudi,
Ramanthapuram District.
2. The Inspector of Police,
Paramakudi Taluk Police Station,
Ramanthapuram District.



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

COPY TO:

THE OFFICER INCHARGE,
DISTRICT PRISON,
RAMANATHAPURAM.

CrI.R.C. (MD) No.210 of 2022

03.03.2022

(CO)

GC (07.03.2022) 3P 5C