



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2022

CORAM:

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

Cr1.R.C. (MD)No.250 of 2022

in

Cr.M.P (MD)No.3376 of 2022

Pandiyammal

... Revision Petitioner

Vs.

1. The Second Class Executive Magistrate and Tahsildar,
Kamuthi,
Ramanathapuram District.

2. The Sub-Inspector of Police (L & O),
Kamuthi Police Station,
Kamuthi,
Ramanathapuram District.

...Respondents/Respondents

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to MC No.1/2022 along with detention order passed by R1 in MC No.1/2022 dt.12/1/2022 on the file of R1 and further to set aside the detention order passed against the petitioner on 12/1/2022.

For Petitioner : Mr.R.Babu Jaganath

For Respondent : M/s.Aasha

Government Advocate (Criminal Side)

ORDER

This Revision has been filed to call for the records pertaining to MC No.1/2022 along with detention order passed by R1 in MC No.1/2022 dt.12/1/2022 on the file of R1 and further to set aside the detention order passed against the petitioner on 12/1/2022.

2. The petitioner has executed bond for a period of one year on 26.07.2021 under Section 110 of Cr.P.C on the file of the first respondent in obedience to the summons issued under Section 110 of Cr.P.C calling upon the petitioner to show cause notice as to why she should not enter into bond for a sum of Rs.50,000/-. While pending bond period, the first respondent passed the impugned detention order, dated 12.01.2022, stating that the petitioner again committed offence by breaching earlier condition in the bond, in Crime No. 8 of 2022 for the offences under Sections 294(b), 353, 506 (ii) of IPC r/w.8(c)r/w.20(b)(ii)(A) of NDPS Act r/w.4(1)(a) TNP



3. A perusal of the impugned detention order reveals that on the information received from the second respondent, the first respondent mechanically passed the impugned order on 12.01.2022 without even giving notice to the petitioner and without giving opportunity of hearing to the petitioner. It was passed only for the reason that the petitioner is the habitual offender under law and order crime and she involved in a subsequent crime while pending bond period.

4. In view of the above, the impugned order passed as against the petitioner cannot be sustained and it is liable to be set aside. Accordingly, the impugned detention order dated 12.01.2022 passed in M.C.No.1 of 2022 by the 1st respondent is hereby set aside and the revision stands allowed. The petitioner is directed to be set at liberty forthwith, if her presence is not required in any other case. Consequently connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:-

1. The Second Class Executive Magistrate and Tahsildar,
Kamuthi, Ramanathapuram District.
2. The Sub-Inspector of Police (L & O),
Kamuthi Police Station,
Kamuthi, Ramanathapuram District.
3. The Superintendent,
Special Jail for Women, Madurai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.BABU JAGANATH, Advocate (SR-12127[F] dated
15/03/2022)

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