



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2022

CORAM:

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

Crl.R.C. (MD)No.224 of 2022

Muthuvirumandi

... Revision Petitioner/Respondent

Vs.

1.The Second Class Taluk Executive
Magistrate Cum Revenue Tahsildar,
Nilakottai, Dindigul District.... 1st Respondent/Presiding Officer

2.The State rep by
The Inspector of
Vilampatty Police Station,
Nilakottai Taluk,
Dindigul District. ..2nd Respondent/Complainant

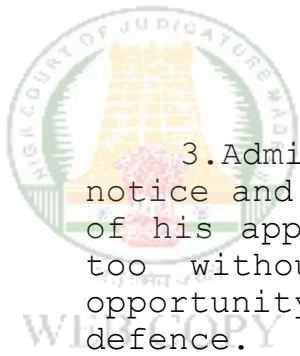
Prayer: This Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C. to call for the entire records pertaining to the order passed by the first respondent herein in M.C.No.125/2021/A5, dated 23.02.2022 and set aside the same and to release the revision petitioner confined in the Sub Jail, Vedaesandur, Dindigul District.

For Petitioner : Mr.S.Sarvagan Prabhu
For Respondents : Mr.K.Sanjay Gandhi
Government Advocate(Crl.Side)

ORDER

The petition has been filed to set aside the order passed by the first respondent herein in M.C.No.125/2021/A5, dated 23.02.2022, thereby, detained the petitioner for the remaining bond period.

2.The petitioner involved in two cases and as such, he was directed to execute a bond under Section 110 of Cr.P.C to keep good behaviour for a period of one year. Accordingly, the petitioner has executed bond in M.C.No.125 of 2021 on 23.09.2021 for a period of one year. While pending the bond period, on 13.02.2022 the petitioner involved in Crime No.23 of 2022, registered for the offences under Sections 147, 148, 294(b), 452, 427, 323, 324 and 506 (ii) of IPC and Section 4 of the Tamil Nadu Provision of Women Harassment Act, 2002. In pursuant to the said crime, he was arrested and remanded to judicial custody on 14.02.2022. It was also informed to the first respondent by the second respondent and the petitioner was produced before the first respondent on 23.02.2022. On the same day, he was enquired and the impugned order has been passed, thereby, detained the petitioner for the remaining bond period under Section 122(1) (B).



3. Admittedly, the petitioner was not served any show cause notice and he was not given any opportunity of hearing. On the date of his appearance itself, the impugned order has been passed, that too without giving opportunity of hearing and without giving opportunity to engage any Advocate on behalf of him to put forth his defence. It amounts to clear violation of principles of natural justice. The impugned order of detention cannot be sustained and is liable to be set aside.

4. Therefore, the order passed in M.C.No.125/2021/A5 is set aside and the criminal revision case is allowed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

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To

1. The Second Class Taluk Executive
Magistrate Cum Revenue Tahsildar,
Nilakottai, Dindigul District.
2. The Inspector of Vilampatty Police Station,
Nilakottai Taluk, Dindigul District.
3. The Officer Incharge,
Sub Jail, Vendasendur,
Dindigul District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.SARVAGAN PRABHU, Advocate (SR-10449[F]
dated 07/03/2022)

CrI.R.C. (MD)No.224 of 2022

07.03.2022

am (CO)

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