



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2022

CORAM:

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

Crl.R.C. (MD)No.316 of 2022

Rajkumar

... Petitioner/Respondent

Vs

1. The II Class Executive Magistrate
cum Thasildar, Aathur Taluk,
Dindigul District.

2. The Inspector of Police,
Sempatti Police Station,
Dindigul District.

3. The Superintendent,
District Jail, Dindigul.

... Respondents/Complainants

Prayer: Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C. to call for the records relating to the proceedings in M.C.No. 76/2021/A4 by the 1st respondent dated 08.03.2022 and set aside the same.

For Petitioner : Mr.D.Venkatesh

For Respondents : Mrs.M.Aasha

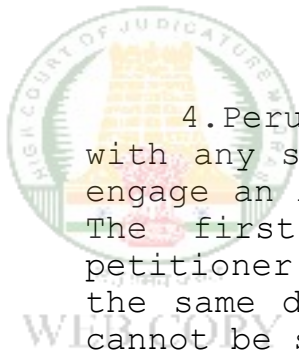
Government Advocate (Criminal Side)
for R1 to R3

O R D E R

This Criminal Revision Case has been filed challenging the impugned order passed in M.C.No. 76/2021/A4, by the 1st respondent dated 08.03.2022, thereby, ordered to retain the petitioner for the remaining bond period.

2.The petitioner executed bond under LIR 54 of 2021, initiated proceedings under Section 110(e) of Cr.P.C, on 21.09.2021, for a period of one year for a sum of Rs.50,000/-. During the subsistence of the said bond period, again the petitioner involved in Crime No.78 of 2022, registered for the offences punishable under Section 379 IPC r/w Section 21(5) Mines and Minerals (Development and Regulation)Act. Pursuant to the same, the petitioner was arrested and remanded to judicial custody.

3.On the report received from the second respondent, the first respondent initiated proceedings under Section 122(1)(b) Cr.P.C. In the said proceedings, the petitioner was produced before the first respondent on 08.03.2022 and after recording statement from the petitioner and second respondent, impugned order was passed, thereby, detaining him for the remaining bond period.



4.Perusal of records reveals that the petitioner was not served with any show cause notice and he was not given any opportunity to engage an Advocate, on his side and to cross examine the witnesses. The first respondent simply recorded the statement from the petitioner and the second respondent and passed an impugned order on the same day, viz., 08.03.2022. On this ground, the impugned order cannot be sustained and it is liable to be set aside.

5.Accordingly, this Criminal Revision Case is allowed and the impugned order passed in M.C.No. 76/2021/A4, by the first respondent dated 08.03.2022, is hereby set aside.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PNM

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 Thasildar, Aathur Taluk,
Dindigul District.
2. The Inspector of Police,
Sempatti Police Station,
Dindigul District.
3. The Superintendent,
District Jail, Dindigul.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.R.C. (MD)No.316 of 2022

28.03.2022

_RD(07.04.2022) 2P 5C