



WEB COPY



CrI.R.C.(MD) No.539 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CrI.R.C.(MD)No.539 of 2022

and

CrI.M.P(MD)No.7878 of 2022

Muruganantham

... Petitioner/Accused

Vs.

**1.The Sub Divisional Magistrate,
Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.**

**2.State through
The Inspector of Police,
Paramakaudi Town Police Station,
in Crime No.16 of 2022**

... Respondents/Complainants

Prayer : This Criminal Revision has been filed under Section 397 and 401 of Criminal Procedure Code, to call for the records pertaining to the order passed in M.C.No.517 of 021, dated 31.01.2022 on the file of the Court of Sub Divisional Magistrate Court and Revenue Divisional Officer, Paramakudi to set aside the order.



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For Petitioner : Mr.Mohameed Idirish,
For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl. side)

ORDER

This Criminal Revision Case is directed against the order, dated 31.01.2022 in M.C.No.517 of 2021, passed by the Sub Divisional Magistrate Court and Revenue Divisional Officer, Paramakudi.

2. In the last hearing, after noticing that warrant of detention on breach of bond for maintaining good behaviour period till 31.01.2022, was sworn by the impugned order, this Court directed the learned Government Advocate (Criminal Side) to get instructions as to whether any order was passed under Section 122(1)(b), after enquiry. But he submitted that the order of warrant dated 31.01.2022 was only the order passed by the authority and there is no other order available. Hence, this Court directed the authority, who has passed the impugned order to appear before this Court.

3. Mr.R.Murugan, Revenue Divisional Officer, Paramakudi, who has passed the impugned order, is present today.



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4. He would submit that this is the first order passed by him and that while he was working as Tahsildar, he has not conducted such enquiry earlier. It is pertinent to note that after the alleged enquiry, he has not passed any speaking order. But on the other hand, he has only issued a warrant of detention dated 31.01.2022 to keep the petitioner in jail till the completion of the bond period. Hence, this Court has no hesitation to hold that the impugned order is legally unsustainable and the same is liable to be set aside.

5. Accordingly, this Criminal Revision Case is allowed and the order passed in M.C.No.517 of 021, dated 31.01.2022 on the file of the Court of Sub Divisional Magistrate Court and Revenue Divisional Officer, Paramakudi, is set aside and the matter is remanded to the Sub Divisional Magistrate Court and Revenue Divisional Officer, Paramakudi. The learned Sub Divisional Magistrate is directed to conduct a fresh enquiry and pass orders in accordance with law. Consequently, connected Miscellaneous Petition is closed.

08.07.2022

Index : Yes/No
Internet : Yes/No
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K.MURALI SHANKAR, J.

das

To:-

- 1.The Sub Divisional Magistrate,
Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.
- 2.The Inspector of Police,
Paramakaudi Town Police Station,
in Crime No.16 of 2022
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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