



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**
Cr1.R.C. (MD)No.405 of 2022

WEB COPY

Soabar Sadiq @ Saya

... Petitioner/Accused

Vs.

1. The Executive Magistrate/
Deputy Commissioner of Police
(Law and Order) South
Madurai City
 2. The Inspector of Police
B-1, Vilakkuthoon Police Station
Madurai City
 3. The Inspector of Police
E-5, Maatuthaavani Police Station
Madurai City
- ...Respondents/Complainants

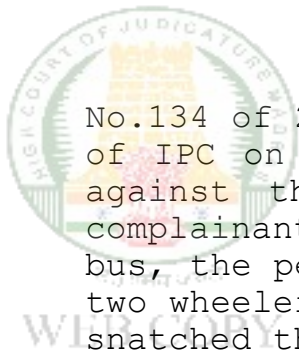
Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the entire records pertaining to the order and conviction passed by the first respondent office vide proceedings in MC No.1147/Ne.Se.Na & Ka./Thu.Aa/Ma.Maa/2021 dated 24.03.2022 and to set aside the same as illegal and allow this petition.

For Petitioner : Mr.R.Karunanithi
For Respondents : Mrs.Aasha
Government Advocate(Crl.Side)

O R D E R

This Criminal Revision has been filed to set aside the order and conviction passed by the first respondent office vide proceedings in MC No.1147/Ne.Se.Na & Ka./Thu.Aa/Ma.Maa/2021 dated 24.03.2022.

2.The petitioner already executed bond in MC No.1147/Ne.Se.Na & Ka./Thu.Aa/Ma.Maa/2021 dated 24.03.2022 on 18.09.2021 for a period of one year under Section 117 of Cr.P.C on the file of the first respondent herein. In pursuance to the same, the second respondent registered a case in Crime No.46 of 2021 as against the petitioner. Pending bond period again the petitioner involved in another Crime



No.134 of 2022 for the offence under Section 341,394,397 and 506(ii) of IPC on the file of the third respondent police. The allegation against the petitioner is that on 01.03.2022 when the defacto complainant was going along with his relative to depart him in the bus, the petitioner along with three other accused persons came in a two wheeler waylaid him and threatened him by showing knife and also snatched the laptop and cell phone.

3. In pursuant to the same, the petitioner was arrested and remanded to judicial custody 03.03.2022 and the same has been intimated to the first respondent by a report on request to issue show cause notice to the petitioner herein. On receipt of the same, the petitioner was produced before the first respondent and he was given opportunity of hearing, engaging advocate and cross examine the witnesses. Though he was given opportunity of hearing the petitioner had taken adjournment before the first respondent. After cross examination of three witnesses and thereafter reported no cross for further witnesses and as such the petitioner did not cross examine any witnesses. After giving sufficient opportunity of hearing and opportunity of engaging advocate to cross examine the witnesses, order has been passed by the first respondent and bond has been executed by the petitioner dated 18.09.2021 under Section 117 of Cr.P.C for period of one year for a sum of Rs.1,00,000/-. The bond period is still in force till 17.09.2022. However the petitioner involved in another crime that too with serious allegations, therefore the second respondent rightly registered the First Information Report and intimated the same to the first respondent herein after issuing show cause notice, conducted due enquiry and after giving opportunity of hearing the impugned order has been passed detaining the petitioner for the remaining bond period, hence this Court finds no illegality or infirmity in the order passed by the Court below.

4. In the result, the revision stands dismissed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The Executive Magistrate/
Deputy Commissioner of Police
(Law and Order) South
Madurai City

<https://hcservices.ecourts.gov.in/hcservices/>



2. The Inspector of Police
B-1, Vilakkuthoon Police Station
Madurai City

3. The Inspector of Police
E-5, Maatuthaavani Police Station
Madurai City.

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

COPY TO:-

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES)

+1 CC to M/s.R. KARUNANIDHI, Advocate (SR-21393[F] dated 26/04/2022)

Crl.R.C. (MD)No.405 of 2022

26.04.2022

KM(CO)

GC(10.05.2022) 3P 8C