



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C. (MD) .No.417 of 2022

and

Crl.M.P(MD) .No.5425 of 2022

Jesuraj

... Petitioner/Respondent

Vs.

1.The Executive Magistrate II Class cum
Tahsildar, Dindigul East Taluk,
Dindigul District.

2.The Inspector of Police,
Town East Police Station,
Dindigul.

... Respondents/Petitioners

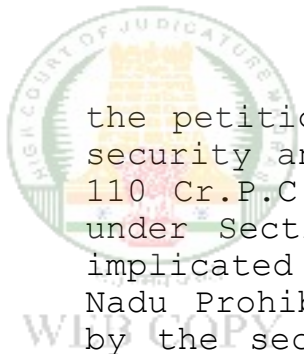
Prayer: Criminal Revision Case is filed under Section 397 r/w 401 Cr.P.C., to call for the records and set aside the order dated 22.04.2022 made in M.C.No.84/2022/A5 on the file of the first respondent and release the petitioner namely Jesuraj, S/o.Gurusamy aged about 60 years detained in District Prison, Dindigul.

For Petitioner : Mr.C.Mayil Vahana Rajendran
For Respondents : Mr.M.Aasha
Government Advocate (Crl.side)

ORDER

Challenging the order dated 22.04.2022 made in M.C.No.84/2022/A5 on the file of the first respondent and release the petitioner namely Jesuraj, S/o.Gurusamy aged about 60 years detained in District Prison, Dindigul, this Criminal Revision Case is filed.

2.The petitioner involved a case registered in Crime No.63 of 2022 for the offence under Section 4(1)(a) of Tamil Nadu Prohibition Act by the second respondent on 30.09.2021 and he was arrested and released on bail by the trial Court. Thereafter, the second respondent has filed a report before the first respondent to initiate proceedings under Section 110 of Cr.P.C against the petitioner. The petitioner was directed to appear before the second respondent in person, without issuing any notice and summon. Further,



the petitioner was directed to execute two sureties for a bond for security and good behaviour for a period of one year under Section 110 Cr.P.C. On the apprehension, the petitioner executed the bond under Section 110 Cr.P.C. Thereafter, the petitioner was falsely implicated in Crime No.63 of 2022 under Section 4 (1)(a) of Tamil Nadu Prohibition Act and Sections 353 and 506(i) IPC on 20.04.2022 by the second respondent. On the same day, he was arrested and remanded judicial custody and confined at District Prison, Dindigul District. Thereafter, the second respondent filed a report before the first respondent for cancellation of bond executed by the petitioner, based on which, the impugned order was passed by the first respondent. Aggrieved over the same, the revision has been filed.

3.Heard the learned counsel appearing for the petitioner and learned Government Advocate (Crl.side) appearing for the respondents.

4.Admittedly, the petitioner was not given any show cause notice and he was not given an opportunity of hearing and also was not given any opportunity to engage the counsel on his behalf and without conducting any enquiry, the impugned order dated 22.04.2022 was passed. It amounts to clear violation of principle of natural justice and as such, on these grounds, the impugned order cannot be sustained against the petitioner and it is liable to be quashed.

5.In view of the above, the impugned order dated 22.04.2022 made in M.C.No.84/2022/A5 on the file of the first respondent is quashed. Accordingly, this Criminal Revision Case is allowed. Consequently, connected criminal miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

05/05/2022

Sub Assistant Registrar(CS)

Rmk

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 Officer Incharge,
District Prison, Dindigul,
Dindigul District.
- 2.The Executive Magistrate II Class cum
Tahsildar, Dindigul East Taluk,
Dindigul District.
- 3.The Inspector of Police,
Town East Police Station,
Dindigul.
- 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.C. MAYIL VAHANA RAJENDRAN, Advocate (SR-22191[F]
dated 28/04/2022)

Crl.R.C. (MD) .No.417 of 2022
28.04.2022

SG(CO)
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