



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

**Crl.R.C(MD)No.429 of 2022
and Crl.M.P(MD)No.5678 of 2022**

Ramu

... Petitioner

Vs.

1.The Sub-Divisional Executive Magistrate and
Revenue Divisional Officer,
Pattukkottai,
Thanjavur District.

2.State,
Represented by the Inspector of Police,
Sethubavachatram Police Station,
Thanjavur District.

3.The Superintendent of Prison,
Central Prison,
Tiruchirappalli.

... Respondents

PRAYER: Criminal Revision Case filed under Section 397 r/w 401 of the Code of Criminal Procedure, to call for the records of the first respondent, the learned Sub-Divisional Executive Magistrate, Pattukkottai, Thanjavur District pertaining to his order passed in M.C.No.115/2021/A3, dated 18.02.2022 and set aside the same.

For Petitioner

: Mr.B.Anandan

For Respondents

: M/s.M.Aasha

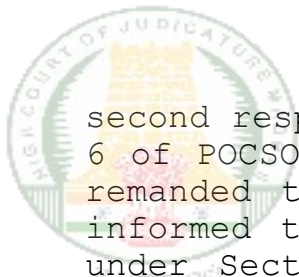
Government Advocate (Criminal Side)

ORDER

This revision has been filed as against the order passed in M.C.No.115/2021/A3, dated 18.02.2022, on the file of the first respondent, thereby detained the petitioner for the remaining bond period.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent and perused the materials available on record.

3.The petitioner executed a bond under Section 107 of Cr.P.C before the first respondent for the period of one year for a sum of Rs.5,000/- on 06.09.2021. While pending bond period, again the petitioner involved in Crime No.508 of 2021 on the file of the



second respondent registered for the offence under Sections 5(1) and 6 of POCSO Act. In pursuant to the said crime, he was arrested and remanded to judicial custody on 11.09.2021. The second respondent informed the same to the first respondent to initiate proceedings under Section 122(1)(b) of Cr.P.C., since the petitioner violated the condition of the bond executed by him on 06.09.2021. On receipt of the information, the first respondent issued show-cause notice to the petitioner to appear on 15.12.2021. On receipt of the same, the petitioner was produced before the first respondent for enquiry. On the side of the prosecution, the respondent examined P.W.1 and the petitioner was given opportunity to cross-examine P.W.1. However, the petitioner did not cross-examine P.W.1 and he was examined as R.W.1. After examination of witnesses, the petitioner made a statement under Section 313 of Cr.P.C.

4.That apart, the petitioner had committed serious and heinous offence as against the minor girl and he had also bad antecedents. After considering all the materials, the first respondent rightly detained the petitioner for the remaining period of bond by an order, dated 18.02.2022.

5.The learned counsel appearing for the petitioner would submit that the petitioner was not given any opportunity of hearing and he was not given opportunity to engage counsel and he was not given opportunity to cross-examine P.W.1.

6.As stated supra, the petitioner was given opportunity to cross-examine P.W.1. Further, the petitioner failed to cross-examine P.W.1. In fact, he was examined as R.W.1 and he was duly cross-examined by the prosecution. Further, he did not make any statement under Section 313 of Cr.P.C. Therefore, the first respondent rightly detained the petitioner for the remaining bond period and this Court finds no infirmity or illegality in the order passed by the Court below. Accordingly, this Criminal Revision Case is dismissed. Consequently, connected Miscellaneous Petition is closed.

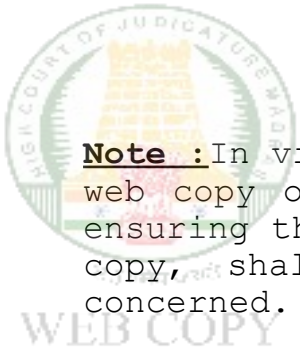
Sd/-

Assistant Registrar

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



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 Sub-Divisional Executive Magistrate and
Revenue Divisional Officer,
Pattukkottai,
Thanjavur District.
- 2.The Inspector of Police,
Sethubavachatram Police Station,
Thanjavur District.
- 3.The Superintendent of Prison,
Central Prison,
Tiruchirappalli.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 5.The Section Officer,
Criminal Section (Records)
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

Order made in
Cr1.R.C (MD) No.429 of 2022
29.04.2022

SA(25.05.2022) 3P 7C