



WEB COPY



Crl.R.C.No.1216 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2023

CORAM:

THE HON'BLE MRS. JUSTICE R.HEMALATHA

Criminal Revision Case No.1216 of 2023

and

Crl.M.P.No.9540 of 2023

Pradeepan

... Petitioner

..VS..

1.The Taluk Administrative Magistrate-
cum-Revenue Tahsildar,
Anamalai,
Coimbatore District.

2.State rep.by
The Inspector of Police,
Anamalai Police Station,
Coimbatore District.

... Respondents

Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C, to
set aside the order in Muu.Mu.No.1111/2023/A3 vide an order dated
01.06.2023 on the file of the 1st respondent.

Page No.1/6



WEB COPY



Crl.R.C.No.1216 of 2023

For Petitioner : Mr.P.Narayana Prasadh
For Respondents : Mr.J.Subbiah
Government Advocate (Crl.Side)

ORDER

The present revision case is directed against the orders passed by the first respondent in Muu.Mu.No.1111/2023/A3 dated 01.06.2023.

2. Mr.P.Narayana Prasadh, learned counsel appearing for the revision petitioner contended that the first respondent had initiated proceedings in K.Dis.No.4842/2022/A3, dated 28.11.2022 against the petitioner and directed him to execute a bond under Section 110 of the Code of Criminal Procedure for a period of one year to maintain good conduct. Subsequently, a case in Crime No.100 of 2023 was registered by the Kottur Police Station, Coimbatore for the alleged offences punishable under Sections 294(b), 324 and 506(i) IPC. Since the petitioner violated the conditions of the bond, the first respondent vide her proceedings dated 01.06.2023 in Muu.Mu.No.1111/2023/A3 imposed a sentence of simple imprisonment till 28.11.2023 under Section



Crl.R.C.No.1216 of 2023

WEB COPY

122(1)(b) read with 117 of Code of Criminal Procedure. This period of imprisonment was until the expiry of the remaining period of the bond executed by the revision petitioner.

3. The learned counsel for the revision petitioner contended that as per the decision of Division Bench of this Court in ***P.Sathish @ Sathish Kumar Vs. State rep.by the Inspector of Police-Law & Order and others [Crl.R.C.No.137 of 2018]***, the impugned order passed by the first respondent cannot be sustained. Therefore, he prayed for setting aside the order passed by the first respondent.

4. Mr.J.Subbiah, learned Government Advocate (Crl.Side) appearing for the respondents fairly conceded that the first respondent is not the competent authority to pass an order under Section 122(1)(b) read with 117 of the Code of Criminal Procedure.

5. A perusal of the records shows that the first respondent initiated



Crl.R.C.No.1216 of 2023

proceedings under Section 110 Cr.P.C., against the present revision petitioner and directed him to execute a bond for good conduct, pursuant to which, the revision petitioner executed a bond on 28.11.2022 for a period of one year. Before the expiry of one year, a case in Crime No.100 of 2023 came to be registered by the Kottur Police Station, Coimbatore for the offences punishable under Sections 294(b), 324 and 506(i) IPC. Therefore, the first respondent proceeded against the present revision petitioner under Section 122(1)(b) read with 117 the Code of Criminal Procedure and imposed simple imprisonment till the expiry of the bond period i.e. 28.11.2023.

6. In the decision of ***P.Sathish @ Sathish Kumar Vs. State rep.by the Inspector of Police-Law & Order and others [Crl.R.C.No.137 of 2018]*** the Division Bench of this Court has held that :

"88 (e). In the light of the law laid down in paragraph 24 of the three judge bench decision of the Supreme Court in Gulam Abbas v. State of Uttar Pradesh (1982) 1 SCC 71, an Executive Magistrate



Crl.R.C.No.1216 of 2023

cannot authorize imprisonment under Section 122(1)(b) for violation of a bond under Section 107 Cr.P.C. A person who has violated the bond executed before the Executive Magistrate under the said provision will have to be challenged or prosecuted before the Judicial Magistrate for inquiry and punishment under Section 122(1)(b) Cr.P.C."

7. In the light of the above judgment, punishment imposed by the Taluk Administrative Magistrate-cum-Revenue Tahsildar/first respondent under Section 122(1)(b) read with 117 Cr.P.C cannot be sustained. Therefore, the order in Muu.Mu.No.1111/2023/A3 dated 01.06.2023 passed by the first respondent is set aside and the Criminal Revision Case is allowed. Consequently, connected miscellaneous petition is closed.

10.07.2023

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
ms

Page No.5/6



WEB COPY



Crl.R.C.No.1216 of 2023

R.HEMALATHA, J.,

ms

To

- 1.The Taluk Administrative Magistrate-
cum-Revenue Tahsildar,
Anamalai,
Coimbatore District.
- 2.The Inspector of Police,
Anamalai Police Station,
Coimbatore District.
- 3.The Public Prosecutor,
High Court, Madras.

**Crl.R.C.No.1216 of 2023
and
Crl.M.P.No.9540 of 2023**

10.07.2023