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CrI.RC.No.1424 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2023

CORAM:

The Hon'ble MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CrI.RC.No.1424 of 2023

A.Thangavel

...Petitioner

-Vs-

1.State rep. By the
Taluk Executive Magistrate – cum Tahsildar,
Pennagaram Taluk,
Dharmapuri District.

2.The Inspector of Police,
Hoganekkal Police Station,
Dharmapuri District.

...Respondents

Prayer:- Criminal Revision Case filed under Section 397 read with Section 401 of Cr.P.C, to call for the records connected with the impugned order passed by the 1st respondent in M.C.No.39 of 2023 order dated 19.07.2023 in Hogenekkal P.S. LIR No.09/2023, under Section 110 Cr.P.C., against the petitioner namely Thangavel S/o.Arumugam, who is detained at Central Prison, Vellore and set aside the same as illegal.



Crl.RC.No.1424 of 2019

For Petitioner : Mr.K.R. Samratt
For Respondents : Mr.V.Meganathan,
Government Advocate (Crl.Side)

ORDER

This Criminal Revision is filed to call for the records of the impugned order passed by the first respondent in MC.No.39 of 2023 by an order dated 19.07.2023.

2. The impugned order passed by the first respondent wherein, the petitioner was arrested and detained under Section 122(1)(b) of Cr.P.C. for the violation of bond condition executed under Section 110 of Cr.P.C dated 08.02.2023.

3. The learned Counsel for the Revision Petitioner submits that the first Respondent had issued summons directing the Petitioner / Accused to execute the bond on 08.02.2023 to maintain peace. He further submits that as per the report of the second Respondent, the Petitioner has involved in several cases.



Crl.RC.No.1424 of 2019

WEB COPY

4. It is the contention of the learned Counsel for the Revision Petitioner that the first Respondent has no authority or discretion to direct the Petitioner for executing the bond for maintaining peace and security.

5. In support of his contention, the learned Counsel for the Revision Petitioner relied on the earlier rulings of this Court in Crl.RC.No.733 of 2023, Crl.RC.No.897 of 2023 and also Crl.RC.No.927 of 2018. As per the same, the impugned order passed by the first Respondent has to be set aside or quashed.

6. The learned Government Advocate (Crl.Side) submits that this is the matter that the Division Bench ruling is attracted in this case. The said issue was answered by the Hon'ble Division Bench judgment in **P.Sathish @ Sathish Kumar Vs. State reported in 2023(1)MWN (Crl.) 499.**

7. On perusal of the orders in Crl.RC.Nos.927 of 2018, 897 of 2023 and 733 of 2023, the submissions of the learned Counsel for the Revision Petitioner is found reasonable. In the light of the above, the impugned order passed by the first respondent to the Petitioner is quashed.



Crl.RC.No.1424 of 2019

WEB COPY

6. In the result, the Criminal Revision is allowed and the impugned order dated 19.07.2023, passed by the Taluk Executive Magistrate – cum – Tahsildar, Pennagaram Taluk, Dharmapuri District in MC.No.39 of 2023 is hereby set aside and therefore, the petitioner is directed to be released forthwith, unless his custody is required in connection with any other case. Bail bond, if any, executed shall stand cancelled and fine amount, if any, paid shall be refunded to the Accused.

14.08.2023

drl

Index : Yes/No

Speaking/Non-speaking order

Note : Issue Order Ccpy on 16.08.2023

To

- 1.The Taluk Executive Magistrate-cum-Tahsildar, Pennagaram Taluk, Dharmapuri District.
- 2.The Inspector of Police, Hoganekkal Police Station, Dharmapuri District.
3. The Superintendent, Central Prison, Vellore.



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Crl.RC.No.1424 of 2019

SATHI KUMAR SUKUMARA KURUP, J.,

drl

Crl.RC.No.1424 of 2023

14.08.2023