



Crl.R.C.No.1546 of 2023
and Crl.M.P.No.14154 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

Crl.R.C.No.1546 of 2023
and Crl.M.P.No.14154 of 2023

Anthonyraj

... Petitioner

Vs.

1.The Taluk Administrative Magistrate cum Tahsildar,
Perur Taluk,
Coimbatore District.

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

... Respondents

Prayer : Criminal Revision filed under Section 397 & 401 of Criminal Procedure Code 1973, to set aside the order made in Na.Ka.No.79/2023/A2 dated 05.07.2023 on the file of the 1st respondent/ learned Taluk Administrative Magistrate cum Tahsildar, Perur Taluk, Coimbatore District.

For Petitioner : Mr.N.Arun kumar

For Respondents : Mr.R.Vinothraja,
Government Advocate (Crl.side)



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ORDER

The present criminal revision petition is filed seeking to set aside the order dated 05.07.2023 passed by the learned Taluk Administrative Magistrate cum Tahsildar, Perur Taluk, Coimbatore District u/s.122(1)(b) Cr.P.C. in Na.Ka.No.79/2023/A2.

2. The first respondent had initiated proceedings against the petitioner u/s.110 Cr.P.C. and directed him to execute a bond for good behaviour on 10.10.2022 for a period of one year. Subsequently, a criminal case was registered against the revision petitioner in Crime No.51/2023 of Alandurai Police Station, Coimbatore District for the offences punishable under Sections 392 Cr.P.C., dated 01.05.2023.

3. Since the revision petitioner violated the conditions of the bond which he executed u/s.110 Cr.P.C, the learned Taluk Administrative Magistrate cum Tahsildar, Perur Taluk, Coimbatore District initiated proceedings u/s.122(1)(b) Cr.P.C. and remanded the



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petitioner to undergo imprisonment until the expiry of the period of bond.

4. A Division Bench of this Court in ***Crl.R.C.No.137/2018 batch cases*** dated 13.03.2023 ***[P.Sathish @ Sathis Kumar Vs. State Rep. by the Inspector of Police, Law and Order, H-4, Korukkupet Police Station, Chennai]***, relied on the judgment of the Hon'ble Supreme Court reported in ***(1982) 1 SCC 71 [Gulam Abbas Vs State of Uttar Pradesh]***. In paragraph 80 (e) of the said order dated 21.06.2023, it has been held as follows:-

"80 (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 Vs State of Uttar Pradesh (1982) 1 SCC 71, an Executive Magistrate cannot authorize imprisonment under Section 123(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



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5. Thus it is very clear from the decision of the Division Bench of this Court that the first respondent is not the competent authority to impose any punishment u/s.122(1)(b) Cr.P.C. Therefore, the impugned order passed by the first respondent is liable to be set aside.

6. With the above observations, the present Criminal Revision is allowed and the order dated 05.07.2023 in Na.Ka.No.79/2023/A2 on the file of the learned Taluk Administrative Magistrate cum Tahsildar, Perur Taluk, Coimbatore District is set aside. Consequently, connected Criminal Miscellaneous Petition is closed.

08.09.2023

Index: Yes/No
Speaking/Non-Speaking order
vum



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- To
- 1 The Taluk Administrative Magistrate
cum Tahsildar, Perur Taluk,
Coimbatore District.
 - 2.The Inspector of Police,
Alandurai Police Station,
Coimbatore District.
 3. The Superintendent of Police,
Central Prison, Coimbatore.



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R. HEMALATHA, J.

vum

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