



Crl.R.C.No.1527 of 2023  
and Crl.M.P.No.13839 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2023

CORAM

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

Crl.R.C.No.1527 of 2023  
and Crl.M.P.No.13839 of 2023

Steepanraj

... Petitioner

Vs.

1.The State represented by  
The Sub Divisional Executive Magistrate  
and Revenue Divisional Officer,  
Thiruvannamalai District,  
Thiruvannamalai.

2.The Inspector of Police,  
Thiruvannamalai Town Police Station,  
Thiruvannamalai District.

... Respondents

Prayer : Criminal Revision filed under Section 397 r/w. 401 of Criminal Procedure Code 1973 to call for the records pertaining of proceedings in Na.Ka.No.A4/5188/2023 dated 10.08.2023 passed by the first respondent.

For Petitioner : Mr.D.Balaji

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



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**ORDER**

Challenging the orders dated 10.08.2023 in Na.Ka.No.A4/5188/2023 passed by the Sub Divisional Executive Magistrate and Revenue Divisional Officer, Thiruvannamalai District, the present revision is filed.

2. The first respondent had initiated proceedings against the petitioner u/s.110 Cr.P.C. and directed him to execute a bond under Section 122 Cr.P.C. for good behaviour on 29.12.2022 for a sum of Rs.10,000/- for a period of one year. Subsequently, on 14.06.2023, a case was registered against the present revision petitioner in Crime No.291/2023 of Thiruvannamalai Town Police Station, Thiruvannamalai District for the offences punishable u/s.147, 148, 294(b), 324, 341, 427, 506(ii) IPC. Since the revision petitioner violated the condition of the bond which he executed u/s.122 Cr.P.C, the Sub Divisional Executive Magistrate and Revenue Divisional Officer, Thiruvannamalai District initiated proceedings u/s.122(1)(b) Cr.P.C. and remanded the petitioner



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

3. 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 judgement 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 122(1)(b)Cr.P.C?"*



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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.

4. With the above observations, the present Criminal Revision is allowed. Consequently, connected Criminal Miscellaneous Petition is closed. The orders dated 10.08.2023 in Na.Ka.No.A4/5188/2023 passed by the Sub Divisional Executive Magistrate and Revenue Divisional Officer, Thiruvannamalai District, is set aside.

**04.09.2023**

Index: Yes/No  
Internet: Yes/No  
Speaking/Non-Speaking order  
mtl



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To

1.The State represented by  
The Sub Divisional Executive Magistrate  
and Revenue Divisional Officer,  
Thiruvannamalai District,  
Thiruvannamalai.

2.The Inspector of Police,  
Thiruvannamalai Town Police Station,  
Thiruvannamalai District.

3.The Central Prison, Vellore.



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**R. HEMALATHA, J.**  
mtl

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