



Crl.O.P.(MD)No.13140 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.11.2024

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD) No.13140 of 2023
and Crl.M.P.(MD) No.10272 of 2023

Manickanathan

... Petitioner

Vs.

1.The Second-Class Executive
Magistrate Cum Tahsildar,
Kadaladi Taluk,
Ramanathapuram District.

2.The Inspector of Police,
Mudhukulathur Police Station,
Ramanathapuram District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to set aside the order passed by the Learned Principal Sessions Judge, Ramanathapuram in Crl.R.P.No.37 / 2022 dated 30.01.2023 which confirming the Judgment of conviction and sentence passed by the Second-class Executive Magistrate and Tahsildar, Kadaladi in M.C.No.144/2022 dated 26.10.2022 as illegal.

For Petitioner : Mr.G.Karuppasamy Pandian

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)



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ORDER

This petition has been filed challenging the order passed by the learned Principal Sessions Judge, Ramanathapuram in Criminal Revision Petition No.37 of 2022 dated 30.01.2023 confirming the conviction and sentence order passed by the II Class Executive Magistrate and Tahsildar, Kadaladi in M.C.No.144 of 2022 dated 26.10.2022 under Section 122(1)(b) of Cr.P.C.

2.Heard the learned counsel for the petitioner and the learned Government Advocate appearing on behalf of the respondents.

3.The case in hand is squarely covered by the judgment of the Division Bench in *P.Sathish @ Sathishkumar v. State* reported in (2023) 2 MLJ (CrI.) 144. This Court has categorically held that such orders under Section 122(1)(b) of Cr.P.C. cannot be passed by the Executive Magistrate.



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4.In view of the same, the order passed by the II Class Executive Magistrate and Tahsildar, Kadaladi in M.C.No.144 of 2022 dated 26.10.2022, is hereby set aside. This order which was confirmed by the learned Principal Sessions Judge, Ramanathapuram in Criminal Revision Petition No.37 of 2022 dated 30.01.2023, in Criminal Revision Petition No.37 of 2022 dated 30.01.2023, is also set aside.

5.Accordingly, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

21.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PKN



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To

- 1.The Second-Class Executive
Magistrate Cum Tahsildar,
Kadaladi Taluk,
Ramanathapuram District.
- 2.The Inspector of Police,
Mudhukulathur Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH,J.

PKN

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