



Crl.R.C.(MD) No.1361 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.01.2024

CORAM

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

Crl.R.C.(MD) No.1361 of 2023

and

Crl.M.P.(MD)No.17339 of 2023

1.A.Somu

2.R.Rajadurai

...Petitioners / Accused 1 & 2

Vs.

The State Rep. by

The Sub Inspector of Police,

Karungal Police Station,

Kanyakumari District.

(Crime No.17 of 2020)

...Respondent/ Complainant

PRAYER : Criminal Revision Case is filed under Section 397 r/w 401
of Criminal Procedure Code, to call for the records relating to the



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order in P.R.C.No.8 of 2022 dated 21.09.2023, passed by the learned Judicial Magistrate, Eraniel, and set aside the same and allow the revision.

For Petitioners : Mr.V.Balaji Rajaram
For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

ORDER

Challenging the order dated 21.09.2023 passed by the learned Judicial Magistrate, Eraniel in P.R.C.No.8 of 2022, the petitioners have come forward before this Court with the present Criminal Revision Petition.

2. Heard Mr.V.Balaji Rajaram, learned counsel for the revision petitioners and Mr.R.Sivakumar, learned Government Advocate (Crl.Side) appearing on behalf of the State.



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3. The learned counsel for the petitioners would submit that the petitioners obtained anticipatory bail in Crl.O.P(MD)No.1662 of 2020 and the said case was scheduled for proceedings. On that day, the petitioners did not appear before the learned Judicial Magistrate, Eraniel, but however instructed their counsel to file an application to dispense their presence under Section 317 of the Criminal Procedure Code. Nevertheless, the same was dismissed by the learned Judicial Magistrate, Eraniel, who also arbitrarily cancelled the bail bond of the petitioners and issued non-bailable warrant against them. The learned counsel further submitted that the petitioners are law abiding citizens and have no previous crime history and hence, pleaded to set aside the order passed by the learned Judicial Magistrate, Eraniel in P.R.C.No.8 of 2022 dated 21.09.2023.

4. Considering the submissions made on either side and also considering the facts and circumstances of the case, this Court directs the learned Judicial Magistrate, Eraniel, to consider the application of the petitioners which will be moved afresh by them, strictly on merits



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and also taking into account, the present condition of the petitioners.

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The learned Judicial Magistrate is also directed to pass a fresh order on the application filed by the petitioners, within a period of two weeks from the date of production of the certified copy of the order passed by this Court today.

5. It is made clear that this Court has not adjudicated the case on merits and that no inference shall be drawn from the order being passed today.

6. With these observations and direction, the Criminal Revision Case is disposed of. Consequently, connected miscellaneous petition is also closed.

03.01.2024

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

RM

Note : Issue order copy on 04.01.2024



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To

1. The Judicial Magistrate,
Eraniel,
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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VIVEK KUMAR SINGH, J.

RM

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03.01.2024