



Crl.R.C.No.287 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2025

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No. 287 of 2023

Usman Sheriff

... Petitioner

..VS..

1. State Rep.by
The Inspector of Police,
B-1, Town Police Station,
Salem City.
2. S.P.Lavanya, M.B.A.,
Executive Magistrate and
Deputy Commissioner of Police (South)
Salem City.

... Respondents

Criminal Revision Case filed under Sections 397 and 401 Cr.P.C., to set aside the order dated 08.12.2022 made in Crl.A.No.91 of 2022 on the file of the 1st Additional District and Sessions Judge, Salem by confirming the order of the Executive Magistrate and Deputy Commissioner of Police (South) at Salem City (CNR.No.TNSA010056362022) dated 08.10.2022 made in M.C.No.146/EM & DCP(s)/SLM(c)2022 passed under Section 122(1)(b) read with 117 Cr.P.C.



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For Petitioner : Mr.C.Sivanesan

For Respondents : Mr.S.Sugendran

Additional Public Prosecutor for R1

ORDER

This Criminal Revision Petition has been preferred against the order dated 08.12.2022 made in Crl.A.No.91 of 2022 on the file of the I Additional District and Sessions Judge, Salem, confirming the order of the Executive Magistrate and Deputy Commissioner of Police (South) at Salem City (CNR.No.TNSA010056362022) dated 08.10.2022 made in M.C.No.146/EM & DCP(s)/SLM(c)2022 passed under Section 122(1)(b) read with 117 Cr.P.C.

2. It is seen that in order to keep good behaviour for a period of one year, the petitioner executed a bail bond under Section 110 Cr.P.C., on 02.08.2022. While that being so, during the bond period, the petitioner was involved in a case in Crime No.189 of 2022 for the offences punishable under Sections 420 IPC and 7(1) and 7(3) of Tamil Nadu Lottery Regulation Act, 1998. Hence, the second respondent-Executive Magistrate commenced the proceedings in M.C.No.146 of 2022 and



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called the petitioner for giving an explanation on 30.09.2022 at 10.00 a.m., and also it was informed to the accused about the cross examination and to file any document in his favour. Subsequently, P.W.1 to P.W.4 were examined in chief, and except P.W.1 all other witnesses were cross examined by the petitioner. Again the witnesses were summoned and the petitioner was directed to appear before the second respondent on 08.10.2022. The petitioner has appeared before the second respondent and expressed his unwillingness to advance further cross examination and also informed that he had no documentary evidence on his side. Therefore, the second respondent-Executive Magistrate had completed the proceedings, cancelled the bail bond under Section 122(2)(b) Cr.P.C. Assailing the impugned order, the petitioner preferred an appeal in Crl.A.No.91 of 2022 before the I Additional District and Sessions Judge, Salem. The lower appellate Court, after appreciating the entire materials dismissed the appeal and confirmed the order of the Executive Magistrate. Challenging the said order dated 08.12.2022, the present revision petition is filed by the petitioner.

3. Heard both sides and perused the materials available on record.



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4. The scope of revision is very limited. The lower Appellate Court had already re-appreciated the entire evidence and also given findings and while exercising the revisional jurisdiction, this Court cannot sit in the arm chair of the Appellate Court and re-appreciate the evidence. While deciding the revision, the revision Court has to see, as to whether any perversity or infirmity in the judgment of the lower appellate Court.

5. On a perusal of the entire materials, this Court finds that the petitioner is a habitual offender, who has initially executed a bond under Section 110 Cr.P.C., and during the bond period he had committed breach and that the bail bond was cancelled by the Executive Magistrate, after giving sufficient opportunity to the petitioner. Subsequently, in appeal, the lower appellate Court, after appreciating the entire materials and confirmed the order of the Executive Magistrate. Therefore, this Court does not find any violation of principal justice or any violation statutory provisions and also does not find any perversity, illegality or infirmity in the judgment of the appellate Court and there is no merit in the revision and the same is liable to be dismissed.



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6. In view of the above, this Criminal Revision Petition is dismissed.

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Index: Yes/No
Speaking Order/Non Speaking Order
Neutral Citation Case : Yes/No
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To

1. The I Additional District and Sessions Judge,
Salem.
2. The Superintendent of Prison,
Central Prison, Salem.
3. The Inspector of Police,
B-1, Town Police Station,
Salem City.
4. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J.

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