



Crl.R.C.No.337 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2025

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.337 of 2025

and

Crl.M.P.No.3354 of 2025

Muniraj

... Petitioner

..vs..

1. The Sub Divisional Magistrate  
and Sub Collector,  
Hosur, Krishnagiri District.

2. State represented by  
Inspector of Police,  
Kelamangalam Police Station,  
Kelamangalam, Krishnagiri District,  
Crime No.13 of 2025.

... Respondents

Criminal Revision Case filed under Sections 438 read with 442 of BNSS, to set aside the order dated 21.01.2025 made in V.No.481/2024/B4 on the file of the Sub Divisional Magistrate and Sub Collector/1<sup>st</sup> respondent, Hosur, by allowing with Criminal Revision Petition.

|                |   |                                                |
|----------------|---|------------------------------------------------|
| For Petitioner | : | Mr.T.Sundaravadanam                            |
| For Respondent | : | Mr.S.Sugendran<br>Additional Public Prosecutor |



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## **ORDER**

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This Criminal Revision Petition is filed against the order dated 21.01.2025 made in V.No.481/2024/B4 on the file of the Sub Divisional Magistrate and Sub Collector, Hosur.

2.The case of the prosecution is that the petitioner executed a bail bond on 23.12.2024 under Section 129 of the BNSS, 2023 to maintain peace for a period one year. During the said bond period, the second respondent-Police registered a case in Crime No.13 of 2025 for the offence punishable under Sections 296(b), 126(2), 118(1), 351(3) of BNS,2023 against the petitioner and he was arrested and remanded to judicial custody on 18.01.2025. The first respondent, after enquiry, passed the impugned order dated 21.01.2025 and cancelled the bail bond and the petitioner was subjected to continue his judicial custody till the expiry of 23.12.2025 under Section 141(1)(b) of the BNSS,2023. Challenging the said impugned order, the petitioner is before this Court.

3. Learned counsel for the petitioner submitted that the petitioner



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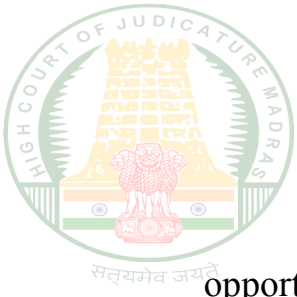
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is not involved in any offences and a false complaint has been foisted against him. Further, the impugned order was passed without providing sufficient opportunity to the petitioner, which violates the principles of natural justice. Therefore, the order passed by the first respondent is liable to be set aside.

4. Learned Additional Public Prosecutor appearing for the respondents submitted that only after providing sufficient opportunity, the petitioner was produced before the first respondent for enquiry and during the enquiry, the petitioner himself admitted the alleged offences and that the first respondent cancelled the bail bond and committed the accused into custody.

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

6. On a perusal of the records it is seen that the first respondent was not given an opportunity of hearing to the petitioner to defend his case, which amounts to denial of justice. This Court, time and again, gave directions to the authorities concerned to provide sufficient



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opportunity to the parties to defend his or her case.

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7. In such view of the matter, the order passed by the first respondent dated 21.01.2025 is hereby set aside and the matter is remitted back to the first respondent for fresh consideration. The first respondent is hereby directed to dispose of the case on merits and in accordance with law, after affording an opportunity of hearing to the petitioner. Such exercise shall be completed within a period of two months from the date of receipt of a copy of this order. The petitioner shall co-operate with the respondents for enquiry.

8 .With the above direction, this Criminal Revision Case is disposed of. Consequently, connected miscellaneous petition is closed.

**05.03.2025**

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

1. The Sub Divisional Magistrate  
and Sub Collector,  
Hosur, Krishnagiri District.
2. The Inspector of Police,  
Kelamangalam Police Station,  
Kelamangalam, Krishnagiri District.
3. The Public Prosecutor,  
High Court, Madras.



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**P.VELMURUGAN, J.**

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