

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2015

THE HON'BLE MR.JUSTICE P.N.PRAKASH

CRL.O.P.No. 8731 & 8732 of 2015

and

M.P.Nos.1 & 2 of 2015

Kishorkumar
Singai Prabakaran

..Petitioner in Crl.O.P.No.8731/2015
..Petitioner in Crl.O.P.No.8732/2015

Vs.

1. The Executive Magistrate/
Deputy Commissioner of Police,
Law and Order,
Coimbatore City,
Coimbatore-18

2. S.Deivasigamani,
Inspector of Police,
B-2, R.S.Puram Law & Order
Police Station,
Coimbatore City

.. Respondents in both Crl.O.Ps.

Prayer in both OPs.:— Criminal Original Petitions filed under Section 482 Cr.P.C. seeking for direction to call for the records pertaining to the impugned proceedings issued by the 1st respondent in Na.Ka.No.33/Nir.Se.Nadu & Ka.Thu.Aa/Kovai City, dated 20.03.2015 and quash the same.

For Petitioners : Mr.G.Karthikeyan
For Respondents : Mr. C.Emalias,
Additional Public Prosecutor

COMMON O R D E R

These Petitions are filed to quash the proceedings, dated 20.03.2015, issued by the 1st respondent herein.

2. The learned counsel appearing for petitioners submitted that the petitioners have been issued with the proceedings under Sections 110 and 111 of the Code of Criminal Procedure (Cr.P.C.) by the 1st respondent, wherein, in the first portion, it is stated that the petitioners were earlier convicted for similar offence. In the second portion of the impugned proceeding, the petitioners were called upon to give a bond for a sum of Rs.25,000/- Impugning the said proceedings, the present Petitions are filed. The learned counsel

submitted that there is a legal infirmity in the first portion of the impugned order relating to Section 110 (i) (e) Cr.P.C., in as much, the first respondent/ Executive Magistrate has merely stated that the petitioners were earlier convicted for similar offence, but, the Magistrate has not given any details regarding the conviction.

3. On the above submission, heard the learned Additional Public Prosecutor, representing the first respondent/Police.

4. In view of the fact that the first respondent has not disclosed the details of the alleged conviction of the petitioner in the first portion of the order, there appears to be non-application of mind on the part of the first respondent. As regards second portion of the impugned order, under Section 111 Cr.P.C., this Court does not find any serious infirmity.

5. In the result, the Criminal Original Petitions are allowed, and the impugned orders are set-aside as against the petitioners herein are concerned, with liberty to the first respondent to initiate fresh action in accordance with law, if the situation warrants. Consequently, connected Miscellaneous Petitions are closed.

sd/mrp

-s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1. The Executive Magistrate/
Deputy Commissioner of Police,
Law and Order, Coimbatore City,
Coimbatore-18
2. S.Deivasigamani,
Inspector of Police,
B-2, R.S.Puram L & O Police Station,
Coimbatore City
3. The Public Prosecutor,
High Court of Madras,
Chennai.

+ 1 cc to M/s.G.Karthikeyan, Advocate SR 19417

skv(co)
prk16/4

CRL.O.P.No. 8731 & 8732 of 2015