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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 537/2015**
SHIVANI KAUL & ORS Petitioners
Through: Mr. Kamlesh Kumar Mishra, Advocate.

versus

COMMISSIONER OF POLICE & ORS Respondents
Through: Mr. Amit Mahajan, CGSC, with Mr.
Nitya Sharma, Advocate for respondent No.4/UOI.

CORAM:
HON'BLE MR. JUSTICE ASHUTOSH KUMAR
ORDER
% **18.08.2015**

Heard the counsel for the petitioner and the Union of India.

The petitioner, on being aggrieved by the order dated 11.02.2015, passed by the Special Executive Magistrate/North-West, whereby he has been asked to execute a personal bond in the sum of Rs. 5,000/- with one surety in the like amount to keep peace for a period of one year, has approached this court on the ground that such an order is in violation of the requirement of Section 107 and Section 111 of the Code of Criminal Procedure. Section 111 of the Code of Criminal Procedure reads as under:-

“When a Magistrate acting under section 107, section 108, section 109 or section 110, deems it necessary to require any person to show cause under such section, he shall make an order in writing, setting forth the substance of the information received, the amount of the bond to be executed, the term for which it is to be in force, and the number, character and class of sureties (if any) required.”

With reference to the requirements under Section 111 of the Code of

Criminal Procedure, learned counsel for the petitioner submits and points out that the substance of the information received by the Magistrate has not been produced in writing and, therefore, the order stands vitiated for want of necessary particulars.

Be that as it may, pursuant to such an order passed by a Magistrate, the petitioner executed the bond, as directed by the Special Executive Magistrate.

The petitioner has raised other issues in the present application namely:-

- (A) Issue a writ of mandamus directing the respondents to forthwith supply in all the cases henceforth, the copy of the Qalandara to the persons proceeding against within 24 hours of the qalandara being created.
- (B) Pass an order directing Respondent No.1 to upload all the qualandara's on the Delhi Police website in the same manner as is done in the case of the FIR's.
- (C) Pass an order directing respondent No.2 and 4 to formulate a policy and guidelines for the manner effective legal aid to be provided in the SEM courts in Delhi.
- (D) Pass an order directing the respondents to display in all the SEM courts in Delhi proper information regarding the proceedings in these courts and rights and remedies available to the persons concerned.

In any proceeding in Chapter VIII of Code of Criminal Procedure namely Sections 106 to 110, there is a requirement under the law for issuance of notice to the person against whom information is received. After such person/noticee is permitted to put on record his explanation, an order is required to be passed by the Executive Magistrate. For the purposes of peaceful and orderly behaviour of such noticee, the order has to include the substance of the information received and reason for passing of such order

with the necessary details as to the amount of bond to be executed including the term/period for which such bond would remain in force, and the number, character and class of sureties (if any) required by the Magistrate. Such is the requirement of law under Chapter X of the Code of Criminal Procedure, also, which by and large, deals with maintenance of public order and tranquillity. In urgent cases of nuisance or apprehended danger, where proceedings under Section 144 of Code of Criminal Procedure are initiated, there is necessity of issuance of notice and the Magistrate is required to formulate the opinion after stating the material facts of the case and serving it upon the person against whom it is made, in accordance with the manner provided under Section 134 of the Code of Criminal Procedure. No separate guidelines or policy is required to be formulated for effecting and implementing the provisions under Sections 106 and 111 or under Sections 144 and 145 of the Code of Criminal Procedure.

Considering the fact that the bond, as directed by the impugned order, has already been executed by the petitioner, this petition becomes infructuous.

As has been stated earlier, this court refrains itself from passing any order specifically with regard to the prayers A, B, C and D, for the reason that the provisions under the Code of Criminal Procedure, referred to above, do contain such guidelines and safeguards.

In view of the aforesaid reasons, this petition is dismissed.

ASHUTOSH KUMAR, J

AUGUST 18, 2015/n