

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2016

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

CRL.O.P.No.28419 of 2010
& M.P.No.1 of 2010

B.M.Mujibur Rahman

.. Petitioner/Accused

... Vs ...

1. The Revenue Divisional Officer,
Salem District, Salem - 1.

2. State rep. by
The Sub-Inspector of Police,
Salem Town Police Station,
Salem 636 -001.
(Crime No.1504 of 2009)

.. Respondents

Criminal Original Petition filed under section 482 of the
Code of Criminal Procedure, praying to call for the records in
M.C.Na.Ka.6165 of 2009 and quash the same.

For Petitioner : No Appearance

For 2nd Respondent : Mrs. M.F.Shabana,
Govt. Advocate (Crl.side)

O R D E R

This petition has been filed seeking to call for the
records in M.C.Na.Ka.6165 of 2009 and quash the same.

2. Today, when the matter is taken up for hearing, none
represented the petitioner/accused. On a perusal of the
records, it is seen that the proceedings under Section 107(1)
Cr.P.C. has been questioned in this Criminal Original Petition.
For better understanding, Section 107(i) of the Code of Civil
Procedure is usefully extracted hereunder:

"Security for keeping the peace in other
cases: (1) When an Executive Magistrate
receives information that any person is likely
to commit a breach of the peace or disturb the
public tranquillity or to do any wrongful act

that may probably occasion a breach of the peace or disturb the public tranquillity and is of opinion that there is sufficient ground for proceeding, he may in the manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond with or without sureties for keeping the peace for such period, not exceeding one year, as the Magistrate thinks fit."

3. From a reading of the above, it is clear that if any order is passed in terms of the above provisions, it would be effective only for a period of one year. This Criminal Original Petition has been filed in the year 2010, but the respondents are unable to state as to whether there is any breach of their order or there is any disturbance to public tranquillity.

4. In view of the aforesaid facts and circumstances, I find no reason to decide the matter on merits. Hence, this Criminal Original Petition is disposed of giving liberty to the respondents to initiate fresh action, if the present situation so warrants. Consequently, connected miscellaneous petition is also closed.

smi/aeb

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

To :

1. The Revenue Divisional Officer,
Salem District, Salem - 1.
2. The Sub-Inspector of Police,
Salem Town Police Station,
Salem 636 -001.
3. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.28419 of 2010

sk(co)
srg 15/03/2016