



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP (MD) No.3199 of 2016

- 1.Sureshkumar
- 2.Kesavan
- 3.Elango
- 4.Rajendran
- 5.Karunanithi
- 6.Saravanamuthu
- 7.Sakthivel
- 8.Ramanathan
- 9.Rajalingam
- 10.Arivazhagan
- 11.Samymuthu
- 12.Subramanian
- 13.Chandrabose
- 14.Balraj
- 15.Mahalingam
- 16.Balasubramanian
- 17.Rajasekar
- 18.Rajesh
- 19.Shamuganathan
- 20.Ayyappan
- 21.Maniselvam

..Petitioners

Vs

- 1.The Sub-Divisional Magistrate and
Revenue Divisional Officer,
Aranthangi & Taluk,
Pudukkottai District.

- 2.The Inspector of Police
Keeramangalam Police Station,
Aranthangi Taluk,
Pudukkottai District.

.. Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records from the first respondent in his proceeding in M.C.NO.3/2016/A2 dated 04.02.2016 and to quash the same as legally unsustainable.

For Petitioners	:	Mr.N.Balakrishnan
For Respondents	:	Mrs.S.Prabha
		Government Advocate(Crl.side)

O R D E R

<https://hcservices.ecourts.gov.in/hcservices/>
This petition has been filed to quash the proceeding in M.C.NO.3/2016/A2 dated 04.02.2016 on the file of the first respondent.



2. Heard Mr.N.Balakrishnan, learned counsel for the petitioner and the learned Government Advocate(Crl.side) appearing for the State.

3. It is seen that the Executive Magistrate issued only Show Cause Notice under Section 107 Cr.P.C calling upon the petitioners to appear before the Revenue Divisional officer, Aranthangi, to show cause why the petitioners should not be ordered to execute a bond for Rs.1000/- each to keep a period of one year. This Court will normally not interfere at the Show Cause Notice stage and it is open to the petitioners to appear with an Advocate of their choice before the Revenue Authorities and give their explanation as to why they need not have to execute the bond. Thereafter, if any impugned order is passed, the same could be challenged in the manner known to law.

4. The learned counsel for the petitioners relied upon the judgment of this Court reported in (2006)1 MLJ (Crl.)215 in Punniyamorthi and others Vs. State by the Inspector of Police, Kabistharam Police Station, Papanasam Taluk, Thanjavur District and another and another case in Crl.O.P.No.33404 of 2014 in Vanitha and 10 others Vs. The Sub Divisional Magistrate cum Sub Collector, Chidambaram and another.

5. I am unable to persuade myself to agree with the submission of the learned counsel for the petitioner for the simple reason that Section 107 Cr.P.C does not contemplate recording of subjective satisfaction at the stage of issuing the Show Cause Notice. Hence, this petition shall stand dismissed. Consequently, connected M.P is also dismissed.

Sd/-

Assistant Registrar(P & A)

/True copy/

Sub Assistant Registrar

To

1.The Sub-Divisional Magistrate and Revenue Divisional Officer, Aranthangi & Taluk, Pudukkottai District.

2.The Inspector of Police, Keeramangalam Police Station, Aranthangi Taluk, Pudukkottai District.

3.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.N.Balakrishnan, Advocate SR.No.10885

sm:SKS-RR:02.03.2016:2P/5c

Crl.OP(MD) No.3199 of 2016
24.02.2016