

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

Crl. Revision Case No.462 of 2015
and
M.P.No.1 of 2015

G.Latha

.. Petitioner

Versus

1. The Sub-Divisional Magistrate-cum-
Revenue Divisional Officer,
Tiruppur Division, Tiruppur,
Tiruppur District.

2. The Tahsildar,
Tiruppur North Taluk,
Tiruppur District.

3. The Inspector of Police,
Tiruppur North Police Station,
Tiruppur.

4. Rokkaraj

5. Lakshmi

6. Sugumaran

सत्यमेव जयते

.. Respondents

Criminal Revision Case filed under Section 397 r/w
401 of the Criminal Procedure Code to set aside the order
dated 29.04.2015 made in Na.Ka.No.1323/2015/A1, on the file of
the sub Divisional Magistrate cum Revenue Divisional Officer,
Tiruppur.

For Petitioner : Mr.C.Prabakaran

For Respondents: Mr.R.Ravichandran
Government Advocate (Crl. side)

O R D E R

Challenging the notice issued by the first respondent, Sub-Divisional Magistrate cum revenue Divisional Officer Tiruppur in Na.Ka.No.1323/2015/A1, 29.04.2015 under Section 145 Cr.P.C., the present revision has been filed.

2. Heard Mr.C.Prabakaran learned counsel appearing for the petitioner and Mr.R.Ravichandran, Government Advocate (Crl. side) for the respondents.

3. Even though notice was sent to the respondents 4 to 6, they have neither appeared in person nor through their counsel.

4. The learned counsel appearing for the petitioner would submit that the first respondent without passing any preliminary order straightaway issued a notice for enquiry, which is not permissible under Section 145 Cr.P.C.

5. Per contra, the learned counsel appearing for the first respondent submits that in view of the recent Full Bench Judgment of this Court, the preliminary order under Section 145 Cr.P.C is not necessary and it is only a notice for enquiry and the petitioner can appear before the first respondent for enquiry.

6. Considering the above fact and as per the judgment of the Full Bench of this Court reported in 2016 (4) CTC 12 (A.Dhaveethu /vs/ The District Collector, Sivagangai District), issuance of preliminary order is not condition precedent for initiating proceedings under Section 145 Cr.P.C. Apart from that, it is only an enquiry notice and the petitioner can always appear before the first respondent and raise whatever objection he has and he cannot challenge the enquiry notice.

7. In the above circumstances, the Criminal Revision Case is dismissed. However liberty is given to the petitioner to appear before the first respondent and raise all the objections, which is available to him and the respondent is also directed to consider the objection and pass orders on merits and in accordance with law. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1) The Sub Divisional Magistrate cum
Revenue Divisional Officer,
Tiruppur.

2.The Tahsildar,Tiruppur North Taulk,
Tiruppur District.

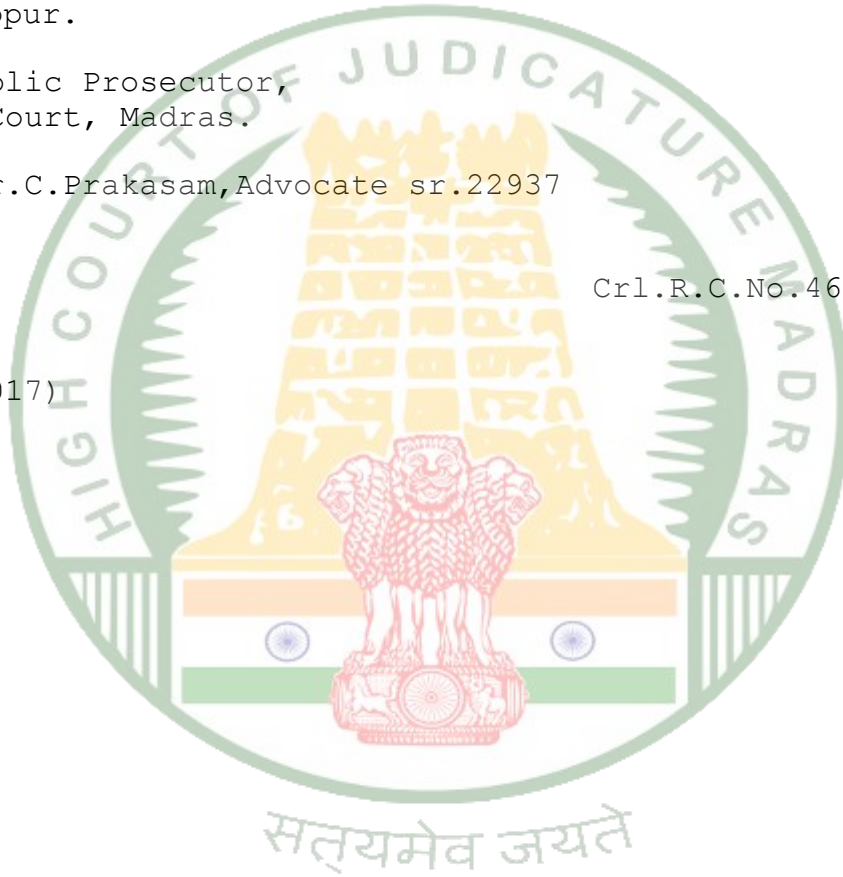
3.The Inspector of Police,
Tiruppur North Police Station,
Tiruppur.

4) The Public Prosecutor,
High Court, Madras.

+lcc to Mr.C.Prakasam,Advocate sr.22937

Cr1.R.C.No.462 of 2015

mg(co)
ss(30/5/2017)



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