



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2017

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

WEB COPY

Crl.O.P. (MD) No.11745 of 2017

1.K.Selvaraj
2.M.Palanivel
3.M.Chellapandi
4.R.Sadacharam

...Petitioners

-Vs-

1. The Administrative Executive Magistrate cum
Deputy Commissioner of Police (Law and order)
Tiruchirapalli City.

2. The Inspector of Police,
Woraiyur Police Station,
Tiruchirapallli.

3. The Sub Inspector of Police,
Sessions Court Police Station,
Tiruchirapalli.

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to the proceedings of the 1st respondent in Na.Ka.No.789/Adm.Ex.M&D.C.P./TrichyCity/2017 dated 04.08.2017 and quash the same.

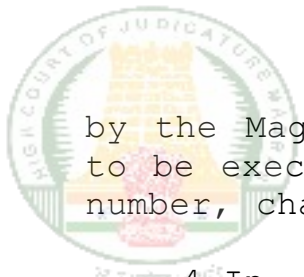
For Petitioners : Mr.T.M.Madasamy
For Respondents : Mr.K.Anbarasan,
Government Advocate(Crl. side).

ORDER

This Criminal Original petition has been filed challenging the show cause notice issued by the Executive Magistrate under Section 107 of Cr.P.C.

2.Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Criminal side) appearing for the respondents.

3.Though the petitioner has stated so many things on the merits of the case, the main submission of the learned counsel for the petitioner is about the absence of ingredients of Section 111 of Cr.P.C. It is stated that the impugned notice dated 04.08.2017, does not satisfy the requirements of Section 111 of Cr.P.C. As per Section 111, apart from the substance of the information received



by the Magistrate, notice should also contain the amount of 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.

4. In the notice impugned in the present petition, except stating that the petitioner is required to appear on 18.08.2017, other ingredients required under Section 111 of Cr.P.C. are not seen. Hence this petition is allowed and the impugned notice dated 04.08.2017 issued by the Executive Magistrate, under Sections 107 and 111 of Cr.P.C. is quashed. However, liberty is given to the first respondent to initiate fresh proceeding, if required, in accordance with law.

5. Accordingly, the Criminal Original petition is allowed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

1. The Administrative Executive Magistrate cum
Deputy Commissioner of Police (Law and order)
Tiruchirapalli City.
2. The Inspector of Police,
Woraiyur Police Station,
Tiruchirapallli.
3. The Sub Inspector of Police,
Sessions Court Police Station,
Tiruchirapalli.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.T.M.Madasamy, Advocate Sr.No.76993

CMR

VB/SV/MMS/SAR2/28/09/2017/2P/6C

Cr1.O.P. (MD) No.11745 of 2017
06.09.2017