



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.03.2017

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THE HONOURABLE MR.JUSTICE P.N.PRAKASHCRL.O.P.(MD)No.2631 of 2017 and
Crl.M.P.(MD)No.2014 of 2017

- 1.Malaisamy
- 2.Veeranan
- 3.Velayutham
- 4.Veeranan
- 5.Karthik

: Petitioners

Vs.

1. The Sub-Division Magistrate -cum-
Revenue Divisional Officer,
Madurai.
2. The Sub-Inspector of Police-II,
Perungudi Police Station,
Madurai District.
3. Subramani
4. Sundeli @ Mahalingam
5. Karthik
6. Ramesh
7. Mathivanan

: Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to call for the records and quash the order passed by the Sub-Division Magistrate -cum- Revenue Divisional Officer, Madurai, in his proceedings in M.C.No.5860/2016/M(6), dated 09.11.2016.

For Petitioners : Mr.N.Anandakumar
For Respondents 1&2 : Mr.K.Anbarasan,
Government Advocate (Crl.side)

ORDER

Based on the First Information Report in Crime No.362 of 2016, dated 08.11.2016, registered by the Sub-Inspector of Police, Perungudi Police Station, in connection with certain law and order problem that arose during the by-election to the Thirupparankundram Assembly Constituency, the Sub-Divisional Magistrate, Madurai, initiated proceedings under Section 107 of the Code of Criminal Procedure on 09.11.2016, challenging which, the petitioners are



before this Court.

2. Heard Mr.N.Anandakumar, learned counsel for the petitioners and Mr.K.Anbarasan, learned Government Advocate (Criminal side) appearing for the first and second respondents.

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3. On a reading of the show cause notice dated 09.11.2016 issued by the Sub-Divisional Magistrate, it is seen that the Sub-Divisional Magistrate has called upon the petitioners to show cause as to why they should not furnish a bond for Rs.50,000/- each and the show cause notice does not say the period for which the bond should be executed, as it is required under Section 111 of the Code of Criminal Procedure.

4. In the light of the law laid down by a Division Bench of this Court in **M.Krishnamurthy v. The Sub-Divisional Magistrate -cum- Revenue Divisional Officer** reported in **2017(1) MWN (Cr.) 199 (DB)**, show cause notice is not in conformity with Section 111 of the Code of Criminal Procedure and, therefore, it has to be set aside.

5. Accordingly, this Criminal Original Petition is allowed and the show cause notice dated 09.11.2016 issued by the first respondent is, hereby, set aside, with liberty to the first respondent to issue a fresh show cause notice in conformity with the legal provisions, if they need survives. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Sub-Division Magistrate -cum- Revenue Divisional Officer, Madurai.
2. The Sub-Inspector of Police-II, Perungudi Police Station, Madurai District.
3. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+ 1 CC TO Mr.N.ANANDAKUMAR, ADVOCATE IN SR No. 15852

SML

TE/SKN : 03/04/2017 : 2P/5C