



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.04.2017

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

CRL.O.P. (MD) No.4298 of 2017

and

Crl.M.P. (MD) No.3095 and 3096 of 2017

WEB COPY

- 1.Maharajan
- 2.Chandraboss
- 3.Thevathiraviam
- 4.Antony Jebamalai
- 5.Paulraj
- 6.Soundarraaj
- 7.Anitton
- 8.Sermadurai Vaigo
- 9.Arockiasamy
- 10.Micheal Vino Ranjith
- 11.Micheal Fernatsha
- 12.Anthonyraj
- 13.Puthumaikan

: Petitioners/Accused

Nos.1 to 5, 7, 10, 11 & 13 to 17

-Vs-

- 1.The Sub Divisional Magistrate and
Revenue Divisional Officer,
Revenue Divisional Officer,
Kovilpatti, Tuticorin District.
- 2.The Inspector of Police,
Tharuvaikulam Police Station,
Tuticorin District.
(Cr.No.17 of 2017)

: Respondents/Respondents

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code to call for records relating to the impugned notice in M.C.No.A1/149/2017, dated 17.02.2017 on the file of the first respondent and quash the same insofar as the petitioners' concerned.

For Petitioners : Mr.M.Subash Babu

For Respondents : Mr.K.Anbarasan

Government Advocate (Crl.Side)

O R D E R

It is seen that the respondents have initiated proceedings under Section 107 Cr.P.C., challenging which, the petitioners are before this Court.

<https://hcservices.courts.gov.in/hcservices> the learned Counsel appearing for the petitioners and the learned Government Advocate (Crl.Side) appearing for the respondents.



3. The learned Counsel for the petitioners submitted that the first respondent has not passed any order as required under Section 111 Cr.P.C. before issuance of summons. He also submitted that the summons suffer from infirmity and is in violation of the law as laid down by the Division Bench of this Court in *M.Krishnamoorthy and Others Vs. The Sub Divisional Magistrate cum Revenue Divisional Officer, Krishnagiri* and another reported in 2017(1) LW Cr1.149.

4. Per contra, the learned Government Advocate (Crl.Side) refuted the allegations and submitted that the petitioners have conveniently enclosed only the summons copy, but they have not enclosed the accompanying order copy.

5. Be that as it may, in the considered opinion of this Court, the petitioners have received only summons and it is always open for them to appear before the first respondent and show cause as to why they need not have to furnish any bond. Hence, this Criminal Original Petition is closed with a direction to the petitioners to appear before the first respondent with an Advocate of their choice and participate in the proceedings.

6. The learned Counsel for the petitioners submitted that the presence of the petitioners may be dispensed with because they are fishermen and their livelihood will be affected.

7. In the considered opinion of this Court, the presence of all the petitioners cannot be dispensed with, because their presence is required for enquiry to be proceeded with. Therefore, this Court is of the view that it is in the interest of justice if all the petitioners are directed to appear once before the first respondent and after their first appearance, the presence of Maharajan S/o Soosaimariyan, Chandraboss S/o Antony Pitchai, Sermadurai Vaigo, S/o Pitchaiah and Arockiasamy S/o Antonymuthu may be dispensed with for the future hearings, provided they are represented by their Counsel. On the final date of hearing, they should be present before the first respondent. The first respondent is directed to complete the proceedings within a period of three months from the date of copy of this order, provided the petitioners co-operate. Accordingly Cr1.MP(MD)No.3096 of 2017 is disposed of and Cr1.MP(MD)No.3095 of 2017 is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar



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- 1.The Sub Divisional Magistrate and
Revenue Divisional Officer,
Revenue Divisional Officer,
Kovilpatti, Tuticorin District.
- 2.The Inspector of Police,
Tharuvaikulam Police Station,
Turicorin District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai

+One cc to Mr.M.Subash Babu, Advocate, SR.No.51886

ssl/das

RL/5C/2P/MR/10.5.2017

CRL.O.P. (MD) No.4298 of 2017

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