

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

Crl.R.C.No.804 of 2018
and
Crl.M.P.No.9168 of 2018

1. T.A.Abdul Munaf @ Munaf @ Munaf
2. Sadan @ Sadan Hussan
3. Koolai Samsu @ Samsu @ Samsudeen ... Petitioners/Accused

Vs.

State, Represented by
Inspector of Police,
D.3, Pothanur L & O Police Station,
Coimbatore. ... Respondent/Complainant

PRAYER: Petition filed under Section 397 read with 461 of the Criminal Procedure Code, to call for the records made in proceedings in M.C.No.6 of 2018 dated 26.06.2018 on the file of Executive Magistrate cum Deputy Commissioner Traffic Incharge (Law & Order) Coimbatore City and Set aside the same as illegal.

For Petitioners : Mr.R.Sankarasubbu

For Respondent : Mr.R.Surya Prakash
Government Advocate

O R D E R

This Criminal Revision Petition is filed to call for the records made in proceedings in M.C.No.6 of 2018 dated 26.06.2018 on the file of Executive Magistrate cum Deputy Commissioner Traffic Incharge (Law & Order) Coimbatore City and to set aside the same as illegal.

2. The learned counsel for the petitioner would submit that they are challenging the order of summons issued under Section 107 Cr.P.C., wherein the Deputy Commissioner of Police Traffic, Law and Order, Magistrate Court, Coimbatore directed these

petitioners to execute a bond for the reason stated therein.

3. The respondent police had filed a counter through the learned Public Prosecutor stating that all the petitioners are involved in the murder case in Crime No.258 of 2017 for murdering one Farook, a member of TPDK (Thanthai Periyar Dravidar Kazhagam) for spreading anti muslim ideologies through social media. Subsequently, another case was registered in Crime No.604 of 2018, D-3 Pothanur. Another case was also registered in Crime No.808 of 2018, B-1 Bazaar P.S., Coimbatore city for planning of murder of one Om Kar Balaji.

4. The learned Government Advocate submitted that the first petitioner is already detained in Goondas Act, as per the contention which is stated as follows:-

"5. It is submitted that the petitioners/accused were detained under Act 14 of Goondas Act vide Detention Order No.25/17 dated 10.04.2017, 26/2017 dated 11.04.2017 and 23/2017 dated 08.04.2017 respectively by the Commissioner of Police, Coimbatore City."

5. With regard to accused No.2 it is stated as follows:-

6. It is submitted that the 2nd petitioner/accused namely Sadam @ Sadam Hussain (A-2) is a History Sheeted Rowdy in H.S.No.7 of 2013 of D-3 Pothanur P.S. and he also involved in the following cases:-

Sl.No.	Police Station & Crime No.	Stage of the case
1.	D-3 Pothanur P.S. Crime No.407 of 2013 U/s.147, 148, 452, 323 & 307 IPC and Sec.3 of TNPPDL Act.	Pending trial in S.C.No.144 of 2014 before the II Additional Sessions Court, Coimbatore.
2.	D-3 Pothanur P.S. Crime No.44 of 2012 U/s.147, 148, 294(b), 341, 323, 324 & 307 IPC	Acquitted by the Chief Judicial Magistrate Court, Coimbatore on
3.	B-2 R.S.Puram (Crime) P.S. Crime No.125 of 2009 U/s.379 IPC	Pending trial in C.C.No.306 of 2009 before the Judicial Magistrate Court No.III, Coimbatore.

Sl.No.	Police Station & Crime No.	Stage of the case
4.	B-1 Bazaar (Crime) P.S.Coimbatore City Crime No.136 of 2009, U/s.379 IPC	Pending trial in C.C.No.249 of 2009 before the Judicial Magistrate Court No.V, Coimbatore.
5.	B-2 R.S.Puram (Crime) P.S.Coimbatore City Crime No.173 of 2009, U/s.379 IPC	Not taken on file
6.	B-2 R.S.Puram (Crime) P.S.Coimbatore City Crime No.176 of 2009, U/s.379 IPC	Pending trial in C.C.No.31 of 2010 before the Judicial Magistrate Court No.III, Coimbatore
7.	Melapalayam P.S.Tirunelveli City, Crime No.82 of 2017, U/s.294(b), 353, 506(ii), 102, 197 IPC	Pending trial
8.	B-2 Bazaar P.S. Coimbatore City Crime No.258 of 2017, U/s.302 @ 147, 148, 341, 294(b), 302 IPC r/w.120(b) IPC	Pending trial in S.C.No.195 of 2017, before the SID, CBCID Court, Coimbatore

6. Taking into consideration of the antecedents of the petitioners, it appears that based upon the complaint given by the respondent police herein that the Executive Magistrate, Deputy Commissioner of Police, Traffic has called upon the petitioner to execute a bond under Section 107.

7. In this view of the matter, I do not find any infirmity. Hence, the criminal revision petition is dismissed.

Sd/-
Assistant Registrar (CS VIII)

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Sub Assistant Registrar

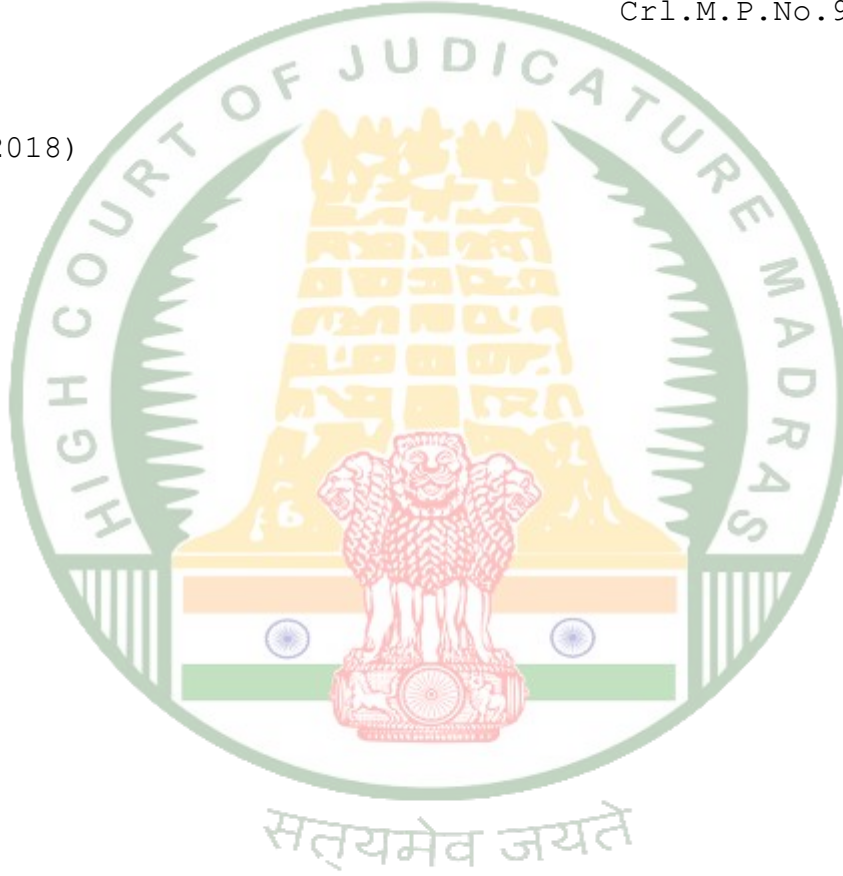
AT

To

1. The Inspector of Police,
D.3, Pothanur L & O Police Station,
Coimbatore.
2. The Public Prosecutor,
High Court, Madras.

Crl.R.C.No.804 of 2018
and
Crl.M.P.No.9168 of 2018

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