



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.15708 of 2018

Bagath Singh @ Noorul Hidha

... Petitioner/Respondent

Vs.

1. The Sub Divisional Executive Magistrate
cum Sub - Collector,
Palani, Dindigul District.

2. The Deputy Superintendent of Police (Trainee),
Palani Division, Dindigul District.

3. The Inspector of Police,
Palani Town Police Station,
Dindigul District.

... Respondents/Complainants

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records relating to the proceedings in Na.Ka. No.6318/2018/A7 by the first respondent dated 28.08.2018 and quash the same.

For Petitioner : Mr.D.Venkatesh

For Respondents : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to quash the proceedings in Na.Ka. No.6318/2018/A7 issued by the first respondent dated 28.08.2018.

2. In this case the subject matter of challenge is the proceedings of the first respondent dated 29.08.2018 wherein the petitioner was punished by the Executive Magistrate under section 116(3) of Cr.P.C for non execution of bond for keeping peace.

3. The petitioner was imprisoned. This Court passed an order dated 31.01.2018 which is extracted here under:

"2. There shall be a direction to the Superintendent of Police, Sub- Jail, Palani, to forthwith release the petitioner, pending disposal of Crl.O.P(MD) No. 15708 of 2018.



3. There shall be a further direction to the petitioner to report before the third respondent police, twice at 10.30 a.m and 6.30 p.m., daily till the disposal of the Crl.O.P(MD) No. 15708 of 2018".

WEB COPY

4. The first respondent has also filed a counter in this case.

5. From the records it is seen that the first respondent has resorted to punishing the petitioner straight away under section 161(3) Cr.P.C without following the proper procedure.

6. In the facts and circumstances of the case, the order of the first respondent dated 29.08.2018 is hereby set aside . The first respondent shall issue notice to the petitioner under section 111 of Cr.P.C and call upon the petitioner to give explanation . Thereafter the first respondent is directed to complete the enquiry within a period of four weeks and pass appropriate orders in accordance with law.

7. The Criminal Original petition is allowed with the above directions.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-II)

To:

1. The Sub Divisional Executive Magistrate
cum Sub - Collector,
Palani, Dindigul District
 2. The Deputy Superintendent of Police(Trainee),
Palani Division, Dindigul District.
 3. The Inspector of Police,
Palani Town Police Station,
Dindigul District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- + 1 CC TO Mr.D.VENKATESH, ADVOCATE IN SR No. 8124

AAV