



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 02.04.2018

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRL OP(MD).No.18711 of 2013
and
M.P.(MD).No.2 of 2013

1.Kasiammal
2,Amma Ponnu

...Petitioners

Vs.

1.The Sub-Divisional Magistrate cum
Revenue Divisional officer,
Madurai District.

2.The Inspector of Police,
B3 Theppakulam Police Station,
Madurai District.

...Respondents

PRAYER: This Petition filed under Section 482 of the code of Criminal Procedure Code to call for the records relating to the proceedings of the order passed by the first respondent in Na.Ka.No.7315/2013 dated 10.10.2013 and set aside the same.

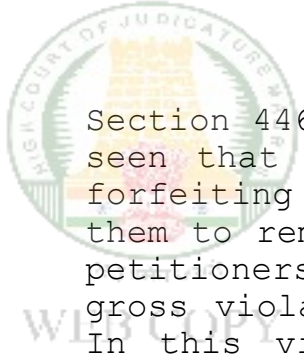
For Petitioners	: Mr.R.Maheswaran
For Respondents	: Mr.Prabu Ramachandran Government Advocate (Criminal Side)

ORDER

Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl Side) appearing for the respondents.

2.The petitioners herein had stood as sureties in favour of one Silambarasan, in proceedings under Section 110 of Criminal Procedure Code, initiated by the first respondent herein against the said Silambarasan to ensure that he would keep peace and maintain good behaviour. Subsequently, it is seen that the said Silambarasan got involved in a criminal case. He was also remanded to judicial custody. Citing the said remand of Silambarasan, the first respondent herein directed recovery of the bond amount of Rs.50,000/- from the petitioners herein. The said order directing the recovery and forfeiture of the bond is under challenge in this Criminal Original Petition.

3.As rightly pointed out by the learned counsel appearing for the petitioners, in such circumstances, the procedure set out in



Section 446 of Criminal Procedure Code must be followed. It is also seen that the first respondent had straight away passed the order forfeiting the bond executed by the petitioners herein and directed them to remit the bond amount. Before such forfeiture is made, the petitioners ought to have been put on notice. There has been a gross violation of the principles of natural justice in this case. In this view of the matter, the order impugned in the Criminal Original Petition stands quashed.

4.This Criminal Original Petition stands allowed. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

To

- 1.The Sub-Divisional Magistrate cum
Revenue Divisional officer,
Madurai District.
- 2.The Inspector of Police,
B3 Theppakulam Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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tsg
JM/JC/SAR 4/20.04.2018/2P/4C