

IN THE HIGH COURT OF JUDICATURE AT MADRAS

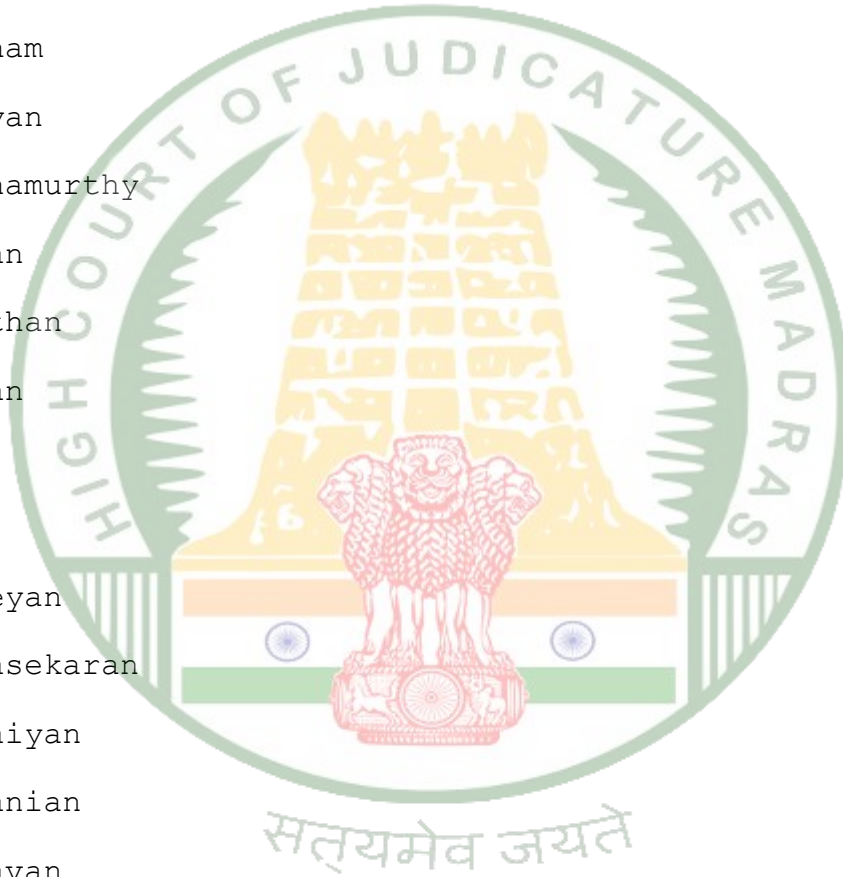
DATED : 12.03.2019

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.6842 of 2013
and
M.P.No.1 of 2013

1. Shanmugham
2. Murugaiyan
3. Dhakshinamurthy
4. Mahendran
5. Jansinathan
6. Karikalan
7. Rajini
8. Rajini
9. Karthikeyan
10. Chandrasekaran
11. Karuppaiyan
12. Subramanian
13. K. Madhavan
14. S. Madhavan
15. Baskar
16. Jeeva
17. Saravanan
18. Chittravel
19. Sowri



WEB COPY

20.Yengal

... Petitioners "A" Party

Vs.

The Sub-Divisional Executive Magistrate Cum
Revenue Divisional Officer,
Mannargudi Taluk,
Thiruvarur District.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to order passed in Crl.M.P.No.05/2012 A3, dated 20.11.2012, on the file of the Sub Divisional Executive Magistrate-cum-Revenue Divisional Officer, Mannargudi and quash the same.

For Petitioners: No appearance

For Respondent : Mr.Hari hara Arun Soma Sankar
Government Advocate [Crl. Side]

O R D E R

This Criminal Original Petition is filed to call for the records relating to order passed in Crl.M.P.No.05/2012 A3, dated 20.11.2012, on the file of the Sub Divisional Executive Magistrate-cum-Revenue Divisional Officer, Mannargudi and quash the same.

2.No representation for the petitioners.

3.The case of the petitioners is that the petitioners are all residents of various villages in Thiruthuraipoondi, Mannargudi Taluk, Thiruvarur District. The petitioners have been issued notice under Section 107(1) of the Code of Criminal Procedure on 20.11.2012, stating that the respondent has reliable information that all the petitioners are likely to cause breach of public peace. Hence, they are directed to show cause why they should not be ordered to execute the bond for a sum of Rs.1,000/- to keep peace and good behaviour for a period of one year and they are all arrayed as "A" Party.

4.The issuance of impugned notice itself is not maintainable in the eye of law and the notice has been issued in Form No.14, under Section 113 of the Code of Criminal Procedure, which is not an appropriate notice required under Section 107 of the Code of Criminal Procedure. The proper course available to the respondent Executive Magistrate is only to invoke Section 111 of the Code of Criminal Procedure and to issue a show cause notice under Section 111 of the Code of Criminal Procedure and to set

forth the substance of the information received by him, and the amount of the bond to be executed by the petitioners, and time for which it is to be inforce. Only in the event of the petitioners not appearing in the Court after the receipt of the notice, the Magistrate can issue a summons requiring the appearance of the parties under Section 113 of the Code of Criminal Procedure in Form No.14, Whereas without issuing any notice whatsoever under Section 111 of the Code of Criminal Procedure, the respondent ought not to have issued a notice under Section 113 of the Code of Criminal Procedure in Form No.14, which is not maintainable in the eye of law. Aggrieved against the same the present Criminal Original petition is filed.

5.The learned Government Advocate (Criminal Side) submits that there is no imminent breach of peace and tranquillity.

6.Recording the aforesaid statement of the learned Government Advocate (Criminal Side), nothing survives for adjudication in this matter. Hence, this Criminal Original Petition stands dismissed as infructuous. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1.The Sub-Divisional Executive Magistrate Cum
Revenue Divisional Officer,
Mannargudi Taluk,
Thiruvarur District.

2.The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.6842 of 2013

sv[co]
srg 9/5/2019