

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated :22.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.1070 of 2018
and
Crl.M.P.No.12448 of 2018

Parthiban

...Petitioner

-Vs-

The State rep. by its
Executive Magistrate/
Deputy Commissioner of Police,
Law and Order,
Magistrate Court,
Coimbatore City.

....Respondent

This Criminal Revision case is filed under Sections 397 read with Section 401 of Cr.P.C. to call for the order in order dated 25.08.2018, M.C.No.07 of 2018 on the file of the Executive Magistrate/Deputy Commissioner of Police, Law and Order, Magistrate Court, Coimbatore City dated 10.07.2018 and other connected documents and verify the propriety of the same and set aside.

For Petitioner : Mr.R.Sankarasubbu

For Respondent : Mr.R.Ravichandran
Government Advocate (Crl. Side)

सत्यमेव जयते

O R D E R

The respondent police has registered a case in Cr.No.713 of 2018 dated 09.07.2018 for an offence punishable under Section 107 of Cr.P.C., and since the petitioner/accused has not entered into a bond, the respondent has summoned the petitioner to enquire the matter. The petitioner instead of appearing before the Executive Magistrate/Deputy Commissioner of Police, Law and Order, Coimbatore City, has filed the present criminal revision before this Court, challenging the issuance of summon.

2 The learned counsel for the petitioner would submit

that the petitioner issued leaflets stating that he is only fighting for his rights and he has not committed any violation and therefore summon issued to the petitioner has to be set aside. Further he also relied upon judgment of the Hon'ble Apex Court reported in 1980 (Supp) Supreme Court Cases 649 (Gopalanachari Vs. State of Kerala) wherein it is stated that when there are no particulars in the show cause notice, the same is to be set aside.

3 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that secrete information was received against the petitioner. Based on the information, the summon was issued to the petitioner under Section 107 of Cr.P.C., and the petitioner has also given a reply to the said summon, the proceeding is pending and the order is yet to be passed by the respondent.

4 Heard the learned counsel appearing on either side and perused the materials available on record.

5 On a perusal of the summon it is seen that the respondent has issued a summon under Section 107 of Cr.P.C., stating that he has committed the offence of Breach of Peace. Hence, the summon issued is only for the purpose of maintaining tranquility. As such, this Court does not find any valid reason to set aside the summon issued by the respondent. The authority cited by the learned counsel for the petitioner is not applicable to the present case on hand at this stage, since the petitioner has given a reply to the summon and final order is yet to be passed by the respondent. However, the petitioner is at liberty to challenge the final order to be passed by the respondent, if he is so advised.

With the above observations, the Criminal Revision Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

Sd/-
सत्यमेव जयते
Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

dh

To

1. The Executive Magistrate/
Deputy Commissioner of Police,
Law and Order,
Magistrate Court,
Coimbatore City.

2. The Public Prosecutor,
High Court of Madras.

CrI.R.C.No.1070 of 2018 and
CrI.M.P.No.12448 of 2018

LN (CO)

RRS (11/04/2019)



WEB COPY