



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2020

CORAM

THE HONOURABLE MR. JUSTICE B. PUGALENDHI

CrI.O.P(MD)No.6179 of 2020

WEB COPY

Sulthan Bathcha

... Petitioner

Vs

1.The Commissioner of Police,
O/o.The Commissioner of Police,
Madurai.

2.The Inspector of Police,
O/o.The Inspector of Police,
Karimedu Police Station,
Madurai District.

... Respondents

Prayer: Petition filed under Section 482 of the Criminal Procedure Code, to direct the respondent No.2 to not to harass the petitioner in the guise of enquiry.

For Petitioner : Mr.S.M.A.Jinnah
For Respondent : Mr.K.K.Ramakrishnan,
Nos.1 & 2 Additional Public Prosecutor

ORDER

This petition is filed to direct the respondent No.2 to not to harass the petitioner in the guise of enquiry.

2.When the matter is taken up for hearing today, the learned counsel appearing for the petitioner submits that he has been involved in the offence under Explosive and Substances Act, in the year 2015. He has not involved any other case for the past five years. Despite the same, the respondent Police is harassing him unnecessarily and also intimidated him that they would foist a false further case.

3.The learned Additional Public Prosecutor on instructions, submits that in view of the conduct of the petitioner and on the recommendation of the Inspector of Police, Karimedu Police Station, the Deputy Superintendent of Police has invoked proceedings Under Section 110 Cr.P.C., as against this petitioner. Since the proceedings has been initiated against him the petitioner is making out bald allegations against this respondent.



4.The learned counsel appearing for the petitioner submits that they have not served any copy of 110 Cr.P.C., proceedings. Even though the proceedings initiated under Section 110 Cr.P.C, it has been initiated without following due process of law as prescribed under Section 107 Cr.P.C.

5.In view of the rival submission, this Court deems it fit to direct the respondent Police to serve the copy of the 110 CrPC proceedings to the petitioner within a period of one week from the date of receipt of a copy of this order and it is open to the petitioner to challenge the same if he is so advised. Accordingly, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (CrI.side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsg/vsd

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Commissioner of Police,
O/o.The Commissioner of Police,
Madurai.
- 2.The Inspector of Police,
O/o.The Inspector of Police,
Karimedu Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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