



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.11010 of 2020

and

Crl.M.P. (MD)Nos.5010 and 5011 of 2020

Athinarayanan

... Petitioner

Vs

1.The Sub Divisional Magistrate/
Revenue Divisional Officer,
Thirumangalam,
Madurai District.

2.The Superintendant of Police,
Madurai District,
Madurai.

3.The Deputy Superintendant of Police,
Thirumangalam,
Madurai District.

4.The Sub Inspector of Police,
E2 Kallikudi Police Station,
Madurai.

... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records relating to the impugned show cause notice issued by the 1st respondent in Na.Ka.No.A1/3113/2020 dated 28.09.2020 and quash the same as illegal.

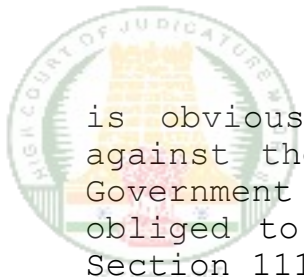
For Petitioner : Mr.G.Sivaraja

For Respondents: Ms.S.E.Veronica Vincent,
Government Advocate (Crl. Side).

O R D E R

Heard the learned counsel on either side.

2.The petitioner challenges the impugned notice directing him to appear before the Revenue Divisional Officer, Thirumangalam. It



is obvious that the Executive Magistrate intends to take action against the petitioner under Section 110 of Cr.P.C. The learned Government Advocate (Crl. Side) admitted that the respondent is obliged to follow the procedure set out in Section 111 of Cr.P.C. Section 111 of Cr.P.C., reads as under:-

"When a Magistrate acting under section 107, section 108, section 109 or section 110, deems it necessary to require any person to show cause under such section he shall make an order in writing, setting forth the substance of the information received, the amount of the bond to be executed, the term for which it is to be in force, and the number, character and class of sureties (if any) required."

3. But it is not dispute that the impugned notice is bereft of any of the particulars required to be set out in a notice under Section 111 of Cr.P.C. Hence, the impugned communication is quashed for non-compliance with the mandatory requirements of Section 111 of Cr.P.C.

4. The criminal original petition is allowed accordingly. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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 Sub Divisional Magistrate/
Revenue Divisional Officer,
Thirumangalam,
Madurai District.

2. The Superintendant of Police,
Madurai District,
Madurai.



3.The Deputy Superintendant of Police,
Thirumangalam,
Madurai District.

4.The Sub Inspector of Police,
E2 Kallikudi Police Station,
Madurai.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P (MD) No.11010 of 2020
09.10.2020

ias
SDS (21.10.2020) 3P-6C