



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.11211 of 2020 and
Crl.MP(MD) Nos.5111 & 5113 of 2020

Athinarayanan

...Petitioner

Vs

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

2.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 proceedings issued by the 1st respondent in M.C.No.3133/2020/A1 dated 01.10.2020 and quash the same.

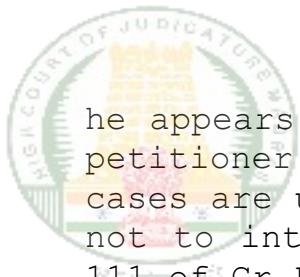
For Petitioner	: Mr.G.Sivaraja
For Respondents	: Ms.S.E.Veronica Vincent Government Advocate

O R D E R

Heard the learned counsel on either side.

2.What is under challenge in this Criminal Original Petition is notice issued by the first respondent under Section 111 of Cr.P.C. Before commencing his arguments, the petitioner's counsel on instructions submitted that the petitioner has given an undertaking that for next one year, the petitioner will not hold or conduct any demonstration of any kind without getting proper permission from the officials. This undertaking given by the petitioner is placed on record. If the petitioner breaches this undertaking, certainly he would be guilty of contempt of court and he will be dealt with accordingly. The petitioner challenges the impugned notice under Section 111 of Cr.P.C on several grounds and wants this Court to set it aside.

3.The learned Government Advocate points out that the petitioner's case squarely attracts under section 110 of Cr.P.C., as



he appears to be a habitual breaker of law. She points out that the petitioner has been involved in 10 criminal cases, out of which, two cases are under Section 302 of I.P.C. She therefore wants this court not to interfere with the impugned show cause notice under Section 111 of Cr.P.C. Section 111 of Cr.P.C reads as follows

Section 111 in The Code of Criminal Procedure, 1973

111. Order to be made. 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.

4. The show cause notice under Section 111 must also set forth the term for which the bond is to be in force. I carefully went through the impugned show cause notice. This impugned show cause notice is clearly not in consonance with Section 111 of Cr.P.C. Therefore, the same stands quashed and recording the undertaking given by the petitioner, this Criminal Original Petition is allowed. Consequently, the Criminal Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vrn

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



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

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Crl.O.P (MD) No.11211 of 2020
09.10.2020

ARK(CO)
TR(02.11.2020) 3P 4C