



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2020

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

Crl.O.P(MD)No.12654 of 2020
and
Crl.M.P. (MD)No.5747 of 2020

Selvakumar

... Petitioner

Vs

1.The Sub Divisional Magistrate cum
Revenue Divisional Officer,
Thanjavur Town & District.

2.State by
The Inspector of Police,
Taluk Police Station,
Thanjavur District.

3.State by
Inspector of Police,
Kallaperambur Police Station,
Thanjavur District.

... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records of the 1st respondent, Sub-divisional Magistrate cum Revenue Divisional Officer, Thanjavur vide his proceedings in M.C.72/2020/A3 dated 17.09.2020 and quash the same as arbitrary and illegal.

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

O R D E R

The petitioner challenges the impugned notice issued under Section 111 of Cr.P.C, stating that the notice does not indicate the particulars required to be set out in the notice.

2.The learned Government Advocate (Crl. Side) appearing for the respondents would fairly submit that the particulars required to be set out in the notice have not been set out.



3. Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor.

4. 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."

5. Hence, considering the submissions made by the learned counsel for the petitioner as well as the learned Government Advocate (Crl. Side), the impugned notice is quashed. The Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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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 cum
Revenue Divisional Officer,
Thanjavur Town & District.

2. The Inspector of Police,
Taluk Police Station,
Thanjavur District.

3. The Inspector of Police,
Kallaperambur Police Station,
Thanjavur District.



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

WEB COPY

Crl.O.P(MD)No.12654 of 2020

and

Crl.M.P. (MD)No.5747 of 2020

01.12.2020

KUN(CO)

NR (18/12/2020) 3P : 5C