



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2020

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

Crl.O.P (MD) No.12184 of 2020

and

Crl.M.P. (MD) No.5515 of 2020

WEB COPY

Shaibullah Khan

... Petitioner

Vs

1.The Commissioner of Police,
Office of the Commissioner ,
Madurai City,
Alagarkovil Road,
Madurai.

2.The Deputy Commissioner of Police,
Office of the City Commissioner of Police,
Madurai City,
Alagarkovil Road,
Madurai.

3.The Assistant Commissioner of Police,
Madurai City,
Madurai.

4.The Inspector of Police,
B1, Vilakathoon Police Station,
Madurai City,
Madurai District.

... Respondents

PRAYER: Petition filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to the impugned notice issued by the Respondent No.2 vide proceedings in Na.Ka.1753/2020 dated 19.10.2020, on the file of the second respondent and quash the same as illegal.

For Petitioner : M/s.Henri Tiphagne

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 Additional Public Prosecutor 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 Additional Public Prosecutor, the impugned notice is quashed. The Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CSIII)

// 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 Commissioner of Police,
Office of the Commissioner,
Madurai City,
Alagarkovil Road,
Madurai.
- 2.The Deputy Commissioner of Police,
Office of the City Commissioner of Police,
Madurai City,
Alagarkovil Road,
Madurai.



3.The Assistant Commissioner of Police,
Madurai City,
Madurai.

4.The Inspector of Police,
B1, Vilakathoon Police Station,
Madurai City,
Madurai District.

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

+1 CC to M/s.R. KARUNANIDHI, Advocate (SR-21061[F] dated 04/11/2020
)

Crl.O.P (MD) No.12184 of 2020
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