



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P (MD)No.13017 of 2020

and

Crl.M.P. (MD)No.5930 of 2020

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- 1)Anburaj
- 2)Kamaraj
- 3)Manickam
- 4)Karuppaiah
- 5)Mr.Manivannan
- 6)Karuppaiah
- 7)Mahendran
- 8)Arumugasamy @ Arumugam
- 9)Shanmugaiah
- 10)Gurusamy

... Petitioners/Respondents

vs.

- 1)The Thenkasi Sub Divisional Magistrate
cum Revenue Divisional Magistrate,
Thenkasi,
Thenkasi District.

... 1st Respondent

- 2)The Inspector of Police,
Puliyankudi Police Station,
Puliyankudi,
Thenkasi District.

... Respondent No.2/Petitioner

- 3)The Sub Inspector of Police,
Puliyankudi Police Station,
Kadaiyanallur Taluk,
Thenkasi Division,
Thenkasi District.
(Crime No.1 of 2020)

... Respondent No.3

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records pertain to the impugned proceeding No.Na.Ka.No.A2/em.c.bi/2020 dated Nil.10.2020 (signed on 13.10.2020) issued by the 1st respondent under Section 107 Criminal Procedure Code and quash the same.

For Petitioners
For Respondents

: Mr.V.Rajiv Rufus
: Ms.S.E.Veronica Vincent,
Government Advocate.



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.

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2.The learned Additional Public Prosecutor 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(T & P)

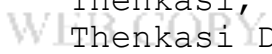
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/ /2020

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.



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