



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P (MD)No.13389 of 2020

and

Crl.M.P. (MD)No.6150 of 2020

WEB COPY

A.Prakash

... Petitioner

vs.

1.The Sub-Divisional Magistrate cum
Sub Collector,
Sivakasi, Virudhunagar District.

2.The Inspector of Police,
Watrap Police Station,
Virudhunagar District.

... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records pertaining to the impugned summon in M.C.No.306 of 2020, dated 04.11.2020 on the file of the first respondent and quash the same as illegal.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : 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.

2.The learned Government Advocate 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 Government Advocate.

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

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

das

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
Sub Collector,
Sivakasi, Virudhunagar District.
- 2.The Inspector of Police,
Watrap Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.T. LAJAPATHI ROY, Advocate (SR-23086[F] dated 27/11/2020)

ORDER MADE IN
Crl.O.P(MD)No.13389 of 2020 and
Crl.M.P.(MD)No.6150 of 2020
26.11.2020

SS(CO)
KM (08.12.2020) 2P 5C