



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.03.2021

CORAM :

THE HONOURABLE Mrs. JUSTICE R. HEMALATHA

Crl.O.P. (MD)No.4389 of 2021

Paramasivam

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Tirunelveli District.

2.The Superintendant of Police,
Office of the Superintendant of Police,
Tirunelveli District.

3.The Deputy Superintendant of Police,
Office of the Deputy Superintendant of Police,
Ambasamuthiram Taluk,
Tirunelveli District.

4.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Ambasamuthiram Taluk,
Tirunelveli District.

5.The Thasildar,
Office of the Thasildar,
Ambasamuthiram Taluk,
Tirunelveli District.

6.The Inspector of Police
Kallidaikurichi Police Station,
Tirunelveli District.

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents 4 to 6 not to harass the petitioner by insisting him to execute a bond without following the mandatory procedure under Chapter VIII of the Code of Criminal Procedure.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.A.Robinson

Government Advocate (Criminal Side)



ORDER

The present petition is filed by the petitioner under Section 482 of the Code of Criminal Procedure, praying to direct the respondents 4 to 6 not to harass the petitioner by insisting him to execute a bond without following the mandatory procedure under Chapter VIII of the Code of Criminal Procedure.

2.Mr.R.Alagumani, learned counsel for the petitioner contended that the fifth respondent even without issuing any show-cause notice under Section 110 of the Code of Criminal Procedure, harassed the petitioner by insisting him to execute a bond

3.Mr.A.Robinson, learned Government Advocate (Criminal side), who accepts notice on behalf of the respondents, on instructions, would contend that the sixth respondent/ Inspector of Police, Kallidaikurichi Police Station, Tirunelveli District, has recommended to the jurisdictional Executive Magistrate, to initiate action against the petitioner under Section 110 of the Code of Criminal Procedure. His specific contention is that even before issuing a notice under Section 110 of the Code of Criminal Procedure, the petitioner had approached this Court and filed this petition.

4. In the circumstances, the Criminal Original Petition is dismissed. However, the respondents 4 to 6 shall follow the procedures contemplated under Sections 107 to 113 of the Code of Criminal Procedure.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

Rm

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 District Collector,
Office of the District Collector,
Tirunelveli District.
2. The Superintendent of Police,
Office of the Superintendent of Police,
Tirunelveli District.
3. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Ambasamuthiram Taluk,
Tirunelveli District.
4. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Ambasamuthiram Taluk,
Tirunelveli District.
5. The Thasildar,
Office of the Thasildar,
Ambasamuthiram Taluk,
Tirunelveli District.
6. The Inspector of Police
Kallidaikurichi Police Station,
Tirunelveli District
7. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.ALAGUMANI, Advocate (SR-13151[F] dated 23/03/2021)

Crl.O.P. (MD) No.4389 of 2021
22.03.2021

VB (29/04/2021) 3P / 9C