



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.01.2021

CORAM:

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

Crl.O.P. (MD) .No.15804 of 2020

and

Crl.M.P. (MD) No.7735 of 2020

WEB COPY

N.Damodharan

... Petitioner

Vs.

1.The Administrative Executive Magistrate
and The Deputy Commissioner of Police (L&O),
Madurai City.

2.The Inspector of Police,
Theppakulam Police Station,
Madurai City.
(In LIR No.254 of 2020)

... Respondents

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the proceedings in Na.Ka.No.2127/Ne.Sae.Tha&Ka.Thu.Aa.M/Ma/2020, dated 18.12.2020 on the file of the first respondent and quash the same.

For Petitioner
For R1

: Mr.M.Jegadeesh Pandian
: Mr.A.Robinson
Government Advocate (Crl. Side)

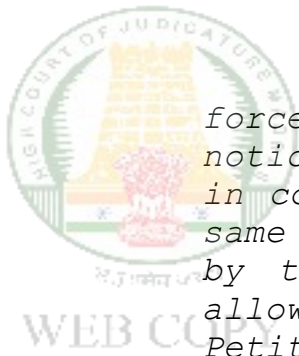
O R D E R

The petitioner challenges the impugned notice, dated 18.12.2020 in Na.Ka.No.2127/நி.மச.நடுதா.து.ஆ/ம.மா/2020, on the ground that the Executive Magistrate while issuing the above said notice did not mention the amount of bond and the number of sureties.

2.He also drew the attention of this Court to the earlier Judgment of this Court in Crl.O.P.(MD)No.15727 of 2017 in Crl.M.P. (MD)No.10450 of 2017, dated 17.11.2017, wherein, it has been held thus:-

"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.

4.The show cause notice under Section 111 must also set forth the term for which the bond is to be in



force. I carefully went through the impugned show cause notice. This impugned show cause notice is clearly not in consonance with Section 111 of Cr.P.C. Therefore, the same stands quashed and recording the undertaking given by the petitioner, this Criminal Original Petition is allowed. Consequently, the Criminal Miscellaneous Petitions are closed."

3.In the instant case, the Executive Magistrate has not passed the order in consonance with Section 111 of Cr.P.C. In such circumstances, the order passed by the Executive Magistrate, dated 18.12.2020, is liable to be quashed and accordingly, the same is quashed. The Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sjj

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 Administrative Executive Magistrate
and The Deputy Commissioner of Police (L&O),
Madurai City.
- 2.The Inspector of Police,
Theppakulam Police Station,
Madurai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD) .No.15804 of 2020
07.01.2021

KG (CO)

KB (01.02.2021) 2P 4C