



CrI.O.P.No.10874 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2022

CORAM:

THE HON'BLE **MR.JUSTICE N.SATHISH KUMAR**

CRL.O.P.No.10874 of 2022

A.Ganesan

... Petitioner

Vs.

1.State Rep. by
Inspector of Police,
Uthangarai Police Station
Krishnagiri District

2.The Executive Magistrate and Tahsildar,
Uthangarai Taluk,
Krishnagiri.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C.,
to set aside the order given by the Executive Magistrate and Tahsildar,
Uthangarai in M.C.No.21 of 2022 dated 01.02.2022 u/s.110 Cr.P.C.

For Petitioner : Mr.C.R.Hari

For Respondents : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)



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ORDER

WEB COPY The Criminal Original Petition is filed under Section 482 of Cr.P.C., to set aside the order given by the Executive Magistrate and Tahsildar, Uthangarai in M.C.No.21 of 2022 dated 01.02.2022 u/s.110 Cr.P.C.

2.Learned counsel for the petitioner would submit that the order in M.C.No.21 of 2022 dated 01.02.2022 u/s.110 Cr.P.C. was passed by the Executive Magistrate and Tahsildar, Uthangarai without issuing any show cause notice whatsoever. Accordingly, prays for setting aside the order.

3.Learned Additional Public Prosecutor appearing for the respondent would also fairly concede that the 2nd respondent has not issued any show cause notice to the petitioner before passing an order u/s.110 Cr.P.C. in M.C.No.21 of 2022.

4.It is to be noted that for passing of any order u/s.110 Cr.P.C., show cause notice has to be issued setting out the substance of the



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information received. Without following the procedure contemplated u/s.111 Cr.P.C. mechanical order u/s.110 Cr.P.C. cannot be passed.

5.In such view of the matter, the order passed by the Executive Magistrate and Tahsildar, Uthangarai in M.C.No.21 of 2022 dated 01.02.2022 u/s.110 Cr.P.C. is hereby set aside.

6.This Criminal Original Petition stands allowed accordingly.

07.07.2022

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Index: Yes / No

Internet : Yes / No

Speaking / Non Speaking order

To

1.The Inspector of Police,
Uthangarai Police Station
Krishnagiri District

N.SATHISH KUMAR, J.

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2.The Executive Magistrate and Tahsildar,
Uthangarai Taluk,
Krishnagiri.

3.The Public Prosecutor
High Court of Madras
Chennai 600 104.

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