



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.02.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD).No.5530 of 2021

Simeon Raja

...Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Dindigul District.
2. The Superintendent of Police,
Office of the Superintendent of Police,
Dindigul District.
3. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Dindigul,
Dindigul District.
4. The Tahsildar,
Office of the Tahsildar,
Nilakottai,
Dindigul District.
5. The Inspector of Police,
Nilakottai Police Station,
Dindigul District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent Nos.3 to 5 for not to harass the petitioner by the way of compelling him to execute bond without following mandatory procedure under Chapter VIII of the Criminal Procedure Code.

For Petitioner : Mr.R.Alagumani

For R1 to R5 : Mr.R.M.Anbunithi
Additional Public Prosecutor
(Criminal Side)



ORDER

The Writ Petition has been filed in the nature of Mandamus, seeking a direction to the respondents 3 to 5 not to harass the petitioner by the way of compelling him to execute bond without following mandatory procedure under Chapter VIII of the Criminal Procedure Code.

2.The learned Additional Public Prosecutor appearing for the respondents submitted that the petitioner is a habitual offender. He is a history sheeter. The apprehension of the petitioner is that he may be compelled to execute bond without following mandatory procedure as contemplated under Chapter VIII of Cr.P.C and further stated that only after issuance of summons and giving opportunity of hearing the petitioner, it will be invoked.

3.Considering the said submission, the respondents 3 to 5 herein are directed to follow the mandatory procedure under Chapter VIII of the Cr.P.C before initiating the proceedings as against the petitioner under Section 110 of Cr.P.C as against the petitioner.

4.With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

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,
Dindigul District.
2. The Superintendent of Police,
Office of the Superintendent of Police,
Dindigul District.



3. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Dindigul,
Dindigul District.

4. The Tahsildar,
Office of the Tahsildar,
Nilakottai,
Dindigul District.

5. The Inspector of Police,
Nilakottai Police Station,
Dindigul District.

ORDER MADE IN
W.P (MD) .No.5530 of 2021
22.02.2022

PKP/08.03.2022/3P/6C