



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2022

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD)No.5482 of 2022

and

Crl.M.P(MD) No.3901 of 2022

Arun @ Bala Arunkumar

... Petitioner

Vs.

1. The II Class Executive Magistrate Cum Thasildar,
Paramakudi,
Ramanathapuram District.

2. The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to call for records relating to the summon in M.C.No.33/2022 passed by 1st respondent dated 09/03/2022, quash the same as illegal as against the petitioner/accused.

For Petitioner : Mr.D.Balamurugapandi

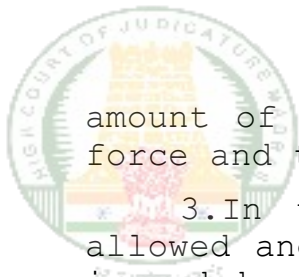
For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor
(Criminal side)
for R1

Mr.M.Bazeerdeem
for R2

ORDER

This Criminal Original Petition has been filed to quash the summon in M.C.No.33/2022 dated 09.03.2022, issued by the first respondent.

2.The petitioner was called upon before the first respondent on 17.03.2022, in order to execute bond under Section 110 of Cr.P.C. On perusal of the impugned summon, there is no substance of the information stating that why the petitioner was called for enquiry. Moreover, the amount of bond, duration of bond as well as nature of sureties, number and character of sureties, have not been mentioned in the summon. There is absolutely no subjective satisfaction is mentioned by the first respondent. This Court repeatedly held that if the order does not contain substance of information received, the



amount of bond to be executed, the terms for which it is to be in force and the number, character and class of sureties required.

3.In view of the above, this Criminal Original Petition is allowed and the impugned summon in M.C.No.33/2022, dated 09.03.2022 issued by the first respondent is hereby quashed. However, the first respondent is directed to issue fresh summon to the petitioner, in accordance with law.

4.Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PNM

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 II Class Executive Magistrate Cum Thasildar,
Paramakudi,
Ramanathapuram District.
2. The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.D.BALAMURUGAPANDI, Advocate (SR-14146[F] dated 24/03/2022)

Crl.O.P. (MD)No.5482 of 2022

and

Crl.M.P(MD) No.3901 of 2022

24.03.2022

RK(05/04/2022) 2P 5C