



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.04.2022

CORAM:

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

Crl.O.P. (MD)No.6340 of 2022

and

Crl.M.P(MD) Nos.4402 and 4403 of 2022

Maraikkayar @ Syed Kasim

...Petitioner

Vs.

1.The Second Class Executive Magistrate/ The Tahsildar,
Ramanathapuram Taluk,
Ramanathapuram District.

2.The Sub-Inspector of Police,
Mandapam Police Station,
Ramanathapuram District.

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records relating to the impugned summon in M.C.No.A3/106/22 dated 24.03.2022 issued by the 1st Respondent and Quash the same as illegal.

For Petitioner : Mr.T.Veerakumar

For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor
(Criminal side)
for R1 & R2

ORDER

This Criminal Original Petition has been filed to quash the summon in M.C.No.A3/106/22 dated 24.03.2022, issued by the first respondent.

2.The petitioner was called upon before the first respondent on 06.04.2022, 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.A3/106/22 dated 24.03.2022 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 petitions are closed.

Sd/-

Assistant Registrar (CO)

// 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 Second Class Executive Magistrate/ The Tahsildar,
Ramanathapuram Taluk,
Ramanathapuram District.
- 2.The Sub-Inspector of Police,
Mandapam Police Station,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.6340 of 2022 and
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