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Crl.O.P.No.24750 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.No.24750 of 2018

and

Crl.M.P.No.13975 of 2018

V.Ramakrishnan

...

Petitioner

/vs/

1.The Revenue Divisional Officer-
cum-Sub-Divisional Magistrate,
Attur, Attur Taluk,
Salem District.

2.M.Selvan
Revenue Divisional Officer-
cum-Sub-Divisional Magistrate,
Attur, Attur Taluk, Salem District.

3.State By;
Inspector of Police,
Attur Police Station,
Salem District.

4.T.Ravichandran
Inspector of Police,
now at Kaveripattinam Police Station,
Krishnagiri District.

...

Respondents



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PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code to call for the entire records connected with in Na.Ka.No.2272/2014/A2 dated 24.07.2018 on the file of the 1st/2nd respondents herein and quash the same.

For Petitioner	...	Mr.S.Sathia Chandran
For Respondent Nos.1 to 3	...	Mr.L.Baskaran Govt.Advocate (Crl.side)
For Respondent No.4		Notice Service No appearance

ORDER

The criminal original petition has been filed to call for the entire records connected with in Na.Ka.No.2272/2014/A2 dated 24.07.2018 on the file of the 1st/2nd respondents herein and quash the same.

2.The learned counsel appearing for the petitioner submitted that the first respondent issued a notice under Section 111 Cr.P.C by proceedings in No.2272/2014/ A2 dated 24.07.2018. Further, the learned counsel contended that the notice issued under Section 111 Cr.P.C. is not having



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the requires particulars. There is no detail about the amount of bound to be executed by the petitioner. Since the mandatory requirement is not fulfilled, notice has to be quashed.

3.The learned Government Advocate (Crl.side) appearing for the respondents 1 to 3 conceded that the amount of bond was not mentioned in the impugned notice.

4.I have considered the matter in the light of the submissions made by the learned counsel for the petitioner as well as the learned counsel appearing for the respondents 1 to 3.

5.On perusal of the records, the fact reveals that the first respondent initiated a proceedings in No.2272/2014/m2 dated 24.07.2018 under Section 111 Cr.P.C in pursuance of the complaint given by the second respondent police as per the reference stated in the impugned notice. Further, on perusal of the impugned notice, notice is issued under Section 111 Cr.P.C. and the petitioner to appear and to participate in the enquiry for



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execution of bond under Section 110 Cr.P.C. Section 111 Cr.P.C. runs as follows:

“111. Order to be made.—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.”

6.In view of the above provision, the first respondent has to mention 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. The mandatory requirement is absent in the impugned notice. Since the impugned notice is not satisfied with the requirement of 111 Cr.P.C, it is unsustainable.



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Index : Yes/No
Internet : Yes/No
sms

07.07.2023

To

1. The Revenue Divisional Officer-
cum-Sub-Divisional Magistrate,
Attur, Attur Taluk,
Salem District.

2. M. Selvan
Revenue Divisional Officer-
cum-Sub-Divisional Magistrate,
Attur, Attur Taluk, Salem District.

3. State By;
Inspector of Police,
Attur Police Station,
Salem District.

4. The Public Prosecutor,
High Court, Madras.



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V.SIVAGNANAM ,J.

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