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Crl.R.C.Nos.196 & 202 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 05.07.2024**

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

**Crl.R.C.Nos.196 & 202 of 2024**  
**and**  
**Crl.M.P.Nos.1645 & 1778 of 2024**

1.Srinivasan ... Petitioner in Crl.R.C.No.196 of 2024

2.Sudhakar ... Petitioner in Crl.R.C.No.202 of 2024

Vs.

1.The First Class Executive Magistrate cum Sub Collector,  
Cheyyar,  
Thiruvannamalai District.

2.State rep by Inspector of Police,  
Dusi Police Station,  
Thiruvannamalai District.  
(Crime No.297 of 2022)

... Respondents in both revisions

**Prayer in Crl.R.C.No.196 of 2024 :** Criminal Revision Case filed under Section 397(1) r/w 401 Cr.P.C, praying to call for the records in M.C.No.53 of 2023 on the file of the learned First Class Executive Magistrate cum Sub Collector, Cheyyar, Thiruvannamalai District, set-aside the same.



Crl.R.C.Nos.196 & 202 of 2024

**Prayer in Crl.R.C.No.202 of 2024** : Criminal Revision Case filed under Section 397(1) r/w 401 Cr.P.C, praying to call for the records in M.C.No.52 of 2023 on the file of the learned First Class Executive Magistrate cum Sub Collector, Cheyyar, Thiruvannamalai District, set-aside the same.

For Petitioner : Mr.S.Suresh  
(in both revisions)

For Respondents : Mr.A.Gopinath  
(in both revisions) Government Advocate (Crl.Side)

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### **COMMON ORDER**

Since the issue involved in these revisions are interconnected, with the consent of the learned counsel appearing for the parties, these revisions were heard together and disposed of by this common order.

2. The case of the petitioners is that they were served with summon dated 08.11.2023 by the 2<sup>nd</sup> respondent stating that the petitioners are involved in Crime No.297 of 2022 for the offence u/s 302 and 506(ii) IPC and in the summon, it is further averred that the petitioners may indulge in activities that may affect the public peace and tranquility. Further, as per summon, the petitioners were directed to appear before the 1<sup>st</sup> respondent on 09.11.2023 at about 11.00 a.m. in his office. As per the



Crl.R.C.Nos.196 & 202 of 2024

above summons, they have appeared before the 1<sup>st</sup> respondent on 09.11.2023 and on the same day, the 1<sup>st</sup> respondent passed orders directing the petitioners to execute a bond for a sum of Rs.50,000/- with two sureties and it is also mentioned in the orders that actions will be initiated if there is any breach in future u/s122(1)(b) of Cr.P.C. Aggrieved by the same, the present revisions have been filed.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they are resident of Pandiyampakkam Village. He also submitted that though the petitioners were neither accused nor witnesses in Crime No.297 of 2022 registered for the offence u/s 302 and 506(ii) IPC by the 2<sup>nd</sup> respondent police, however, calling upon them to execute bond, is wholly unsustainable. Accordingly, he prays for allowing these revisions.

4. The learned Government Advocate (Crl.Side) appearing for the respondents submitted that the petitioners are not accused in Crime No.297 of 2022 registered for the offence u/s 302 and 506(ii) IPC by the 2<sup>nd</sup> respondent police.



Crl.R.C.Nos.196 & 202 of 2024

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5. In view of the fair submission made by the learned Government Advocate (Crl.Side) appearing for the respondents, this court is of the view that, when the petitioners were not connected with the said FIR in Crime No.297 of 2022 mentioned in the said summons, calling upon them to execute bond is *per se* unsustainable. Hence, the summons shows that there is no application of mind by the 1<sup>st</sup> respondent and the same is not a speaking or reasoned order. Therefore, the said summons dated 09.11.2023 are liable to be set aside.

6. Accordingly, the summons dated 09.11.2023 is set aside and the Criminal Revisions Cases are allowed. Consequently, the connected criminal miscellaneous petitions are closed.

**05.07.2024**

Index : Yes / No  
Speaking order / Non-speaking order  
sp



Crl.R.C.Nos.196 & 202 of 2024

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- 1.The Special Court for the Exclusive Trail of Land Grabbing Cases,  
Erode.
- 2.The Inspector of Police,  
Anti Land Grabbing Cell,  
Erode.
- 3.The Public Prosecutor,  
Madras High Court,  
Chennai.



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Crl.R.C.Nos.196 & 202 of 2024

**M.DHANDAPANI, J.**

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**Crl.R.C.Nos.196 & 202 of 2024**

**05.07.2024**