



Crl.R.C.Nos.1684 & 1693 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.Nos.1684 & 1693 of 2024

Sekar

... Petitioner in
Crl.R.C.No.1684/2024

Thambidurai

... Petitioner in
Crl.R.C.No.1693/2024

Vs.

1.Sub-Divisional Magistrate cum
Sub-Collector,
Mettur, Salem District.

2.State rep. By
The Inspector of Police,
Tharamangalam Police Station,
Salem District.

... Respondents in
both Crl.RCs.

COMMON PRAYER: Criminal Revision Petition filed under Sections 438
r/w. 442 of BNSS, to set aside the order passed in B.N.S.S.Nos.165 and 168
of 2024 by the first respondent, Sub-Divisional Magistrate cum Sub-



Crl.R.C.Nos.1684 & 1693 of 2024

Collector, Mettur, Salem District by its order dated 05.09.2024.

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For Petitioner
in both Crl.RCs : Mr.V.Thillai Kumar

For Respondents
in both Crl.RCs : Mr.A.Damodaran
Additional Public Prosecutor

COMMON ORDER

These petitions filed to set aside the order passed in B.N.S.S.Nos.165 and 168 of 2024 by the first respondent, Sub-Divisional Magistrate cum Sub-Collector, Mettur, Salem District by its order dated 05.09.2024.

2.The contention of the learned counsel for the petitioners is that the petitioners received the impugned notice issued under Section 136 of BNSS calling upon to execute a bond for public peace and tranquillity. In the impugned orders it is recorded that the petitioners appeared before the first respondent on 06.09.2024, received the notice and their explanation recorded, thereafter finding their explanation not satisfactory, the petitioners were called to execute the bond for a period of one year for a sum of Rs.25,000/- to maintain public peace and tranquillity. But the impugned



orders were issued on 05.09.2024 showing issuance of notice, enquiry, calling upon the petitioners' explanation and consideration are all farce and no such opportunity of hearing and consideration of the representation has been carried out in this case. Hence, prayed for setting aside the impugned orders.

3.The learned Additional Public Prosecutor fairly submitted that a mistake was committed by the first respondent in mentioning the date and signature. On 06.09.2024 notice was issued, the petitioners appeared, they were enquired and their explanation received. Finding their explanation was not satisfactory and there was also explosive situation around, hence execution of bond became necessary and for that reason, orders were passed by the first respondent but due to the mistake committed, it has been projected as though the orders were passed without any proper application of mind and lacks credibility.

4.The learned counsel for the petitioners submitted that this bond was necessitated taking into consideration the ensuing Vinayagar Chaturthi



festival and there may not be any disturbance of peace while the idols are taken for immersion. Now the Vinayagar Chathurthi festival and immersion of idols completed, therefore there is no requirement or necessity for seeking execution of bond and hence, this also to be considered by the first respondent.

5.The learned Additional Public Prosecutor submitted that in view of the mistake crept in, the impugned orders may be set aside directing first respondent to pass fresh orders after giving sufficient opportunity to the petitioner.

6.Considering the submissions made on both sides, the impugned orders dated 05.09.2024 is hereby set aside and the first respondent is directed to issue notice to the petitioner, give sufficient opportunity of hearing and thereafter pass appropriate orders in accordance with law, if such situation still exists.



Crl.R.C.Nos.1684 & 1693 of 2024

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29.10.2024

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation: Yes/No
cse

To

1. The Sub-Divisional Magistrate cum
Sub-Collector,
Mettur, Salem District.
2. The Inspector of Police,
Tharamangalam Police Station,
Salem District.
3. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

cse

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