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Crl. O.P.No. 24191 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.10.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.24191 of 2024

and

Crl.MP.No.13621 of 2024

Kasinalamaharaja @ Nalamaharaja

.. Petitioner

Vs.

1. The Sub Divisional Executive Magistrate/
Revenue Divisional Officer,
Nagapattinam.

2. State Rep by
Inspector of Police,
Thirukkannapuram Police Station,
Nagapattinam District.

.. Respondent

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023 Act to quash the impugned summon dated 20.09.2024 issued by the 1st respondent/ Sub Divisional Executive Magistrate/Revenue Divisional Officer, Nagapattinam in M.C.No.208/2024/A3 under Sections 129 and 130 of Bharathiya Nagrik Suraksha Sanhita, 2023.

For Petitioner : Mr.S.K.Syed Elias

For Respondents : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)



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ORDER

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The petitioner herein, who is the history sheeter, was called to show cause as to why bond not to be obtained from him for keeping good behaviour. The summon sent under Section 132 of BNSS Act is challenged in this petition.

2. The learned counsel appearing for the petitioner submits that the impugned summon issued under Sections 129 and 132 of BNSS Act is legally not sustainable, since the petitioner not involve in any act of causing disturbance to the public peace which can attract the adverse notice of the Sub Divisional Executive Magistrate/Revenue Divisional Officer, Nagapattinam.

3. According to the petitioner, it is only one case against him which is pending in S.C.No.83 of 2017 on the file of District and Sessions Judge, Nagapattinam. The pendency of one case cannot be a ground to initiate proceedings under Chapter IX of BNSS Act which relates to security for keeping peace and for good behaviour.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submits that the petitioner is the history sheeter, as on date, three cases are pending against him and he has called to showcase



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why bond should not be obtained from him for being habitual offender.

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5. Considering the antecedents of the petitioner and his past record and wordings used in the impugned summons to show cause why he should not be directed to execute bond, though Section 132 of Cr.P.C been referred. The summon issued to the petitioner is to give him an opportunity to appear and show cause why he should not be asked to execute bond to keep good behaviour.

6. This Court finds no need for interference in the said notice which requires interference. Hence, this Criminal Original Petition to quash the notice stands dismissed. Consequently, the connected miscellaneous petition is closed.

7. The petitioner shall appear before the Executive Magistrate within 15 days from the date of the receipt of this order and give his explanation to the showcause notice issued to him. Based on the explanation, the Sub Divisional Executive Magistrate/Revenue Divisional Officer, Nagapattinam shall take appropriate decision supported by reasoning.

01.10.2024

Vv



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To

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1. The Sub Divisional Executive Magistrate/
Revenue Divisional Officer,
Nagapattinam.
2. The Inspector of Police,
Thirukkannapuram Police Station,
Nagapattinam District.
3. The Public Prosecutor,
High Court of Madras.



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Dr.G.JAYACHANDRAN,J.

Vv

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