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Crl.R.C.No.1824 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.1824 of 2023

and

Crl.M.P.No.17224 of 2023

Ganapathy

... Petitioner

Vs.

1. The Sub-Divisional Executive Magistrate-cum-
Thasildar,
Pollachi,
Coimbatore District.

2. The State,
Represented by its
The Inspector of Police,
Mahalingam Police Station,
Coimbatore District.

... Respondents

PRAYER : Criminal Revision filed under Section 397 r/w 401 of the code of Criminal Procedure, to set aside the order dated 17.10.2023 in Na.Ka.No.4340/2023/Aa3 on the file of the Sub-Divisional Executive Magistrate-cum-Thasildar, Pollachi / the first respondent herein.



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For Petitioner : Mr.R.Sankarasubbu
For Respondents : Mr.A.Gopinath
Govt. Advocate (Crl.Side)

ORDER

This criminal revision is preferred against the order dated 17.10.2023 passed by the first respondent under Section 122 r/w 110 of Cr.P.C in Na.Ka.No.4340/2023/Aa3 directing the petitioner to execute a bond under Section 110 of Cr.P.C for keeping good behaviour.

2. It is alleged by the petitioner that, he has been the State Coordinator of an organization engaged in the development of downtrodden people. While so, he used to stage protest against any unfair activities against the interest of the downtrodden people and result of the same, many criminal cases were filed against him. There are as many 19 cases filed against the petitioner in various Police Stations in the District of Coimbatore. He was called for investigation on 25.09.2023, thereby the petitioner appeared on 17.10.2023 before the first respondent and submitted his



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explanation stating that, out of the said 19 cases, seven are under investigation and in six such cases, the charge sheet has been filed and six cases were closed. However, the first respondent not satisfied with the explanation given by the petitioner has passed an impugned proceedings dated 17.10.2023 asking the petitioner to execute a bond under Section 110 of Cr.P.C, failing which, further action would be taken against the petitioner. Challenging the same, the present criminal revision has been filed by the petitioner.

3. The learned counsel appearing for the petitioner reiterated the contentions set out in the memorandum of grounds filed in support of the revision and sought for setting aside the impugned proceedings.

4. The first respondent has filed a counter affidavit stating that, the petitioner is a habitual offender and was involved in 19 criminal cases, he was also branded as a History Sheeter and is under close watch. It is also stated that, the petitioner is in a habit of inducing the public assembled in



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the prominent places and raised slogans against the Government in a continuous manner which leads to the disturbance to the public place. While so, the proceedings dated 25.09.2023, the petitioner / accused appeared in person and given his explanation. However, he refused to execute the bond under Section 110 Cr.P.C and therefore, the impugned proceedings has been passed.

5. I have considered the said submissions made by the learned counsel appearing for both sides and perused the materials placed before this Court.

6. It is seen that the petitioner has not indulged in any unlawful activities, whereas he has only staged demonstration against the unfair policies affecting the rights of the downtrodden people in a democratic manner. He has also appeared before the first respondent and given his explanation, wherein he has stated that, in most of the criminal cases filed against him, he had come out with clean hands and majority of the cases are



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summary cases under Section 143 of I.P.C for unlawful assembly, whereas it is the case of the petitioner that, in all such protest, he has taken proper permission from the authorities to hold such protest. Therefore, this Court is of the view that, the object of the protest that was made by the petitioner cannot be stated to be unlawful object and hence, offence under Section 143 of IPC cannot be made out, since the public were put to hardship, which is a natural consequence that takes place whenever there is a protest. It is pertinent to note that, in most of the cases, Section 143 of IPC has been the main thrust by the respondents against the petitioner / accused. Finding no justification on the part of the respondents to pass the impugned proceedings even after the petitioner has given his explanation by appearing in person before the first respondent on 17.10.2023, the impugned proceedings is set aside. It is made clear that, this order pertains to peculiar facts and circumstances of this particular case alone and this order is not stand in the way of the first respondent to execute the bond under Section 110 of Cr.P.C., if the petitioner is involved in serious offence in future.



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7. Accordingly, this Criminal Revision Case is allowed.

Consequently, connected miscellaneous petition is closed.

16.07.2024

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

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To

1. The Sub-Divisional Executive Magistrate-cum-
Thasildar,
Pollachi,
Coimbatore District.
2. The Inspector of Police,
Mahalingam Police Station,
Coimbatore District.
3. The Public Prosecutor,
High Court,
Madras.



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M.DHANDAPANI, J.

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