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Crl.R.C.No.1929 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.1929 of 2024

Sri Kesavan @ Kesavan

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Petitioner

Vs.

1.Sub Divisional Magistrate Cum
Sub Collector, Mettur,
Salem District.

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

...

Respondents

PRAYER: Criminal Revision Petitions filed under Sections 438 r/w 442 of BNSS to set aside the order in B.N.S.S. No.152 of 2024, by the 1st respondent/Sub Divisional Magistrate cum Sub Collector, Mettur, Salem District by its order dated 05.09.2024.

For Petitioner : Mr.V.Thillai Kumar

For Respondents : Mr.V.J.Priyadarsana

Government Advocate (Crl.Side)



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ORDER

The present revision challenges the order passed by the first respondent under Section 136 BNSS directing the petitioner to execute a bond for good behaviour.

2. Against the very same impugned order, Crl.RC No.1898 & 1906 of 2024 were filed before this Court, by one of the recipients of the notice and this Court, on 08.11.2024 had passed the following order -

2.The learned counsel for the petitioners would submit that the order impugned was passed even without serving notice to the petitioners, violating the provisions of Sections 129 to 136 of BNSS.

3.The learned Government Advocate (Crl.Side) per contra submitted that notice was issued on 05.09.2024, directing the petitioners to appear on 06.09.2024.

4.On perusal of the impugned order, this Court finds that in the impugned order dated 05.09.2024, calling upon the petitioners to appear on 06.09.2024, the petitioners were asked to execute a bond for good behaviour. The order directing the petitioners to execute the bond without hearing them is illegal and hence, it is liable to be set aside and accordingly set aside.



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5.In the result, these criminal revision cases stand allowed setting aside the impugned order passed by the 1st respondent in B.N.S.S. Nos.166 & 150 of 2024, dated 05.09.2024.

3. The above order passed by this Court would squarely apply to the facts of the present case.

4. In the result, this criminal revision case stands allowed setting aside the impugned order passed by the 1st respondent in B.N.S.S. No.152 of 2024, dated 05.09.2024.

13.11.2024

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

rgr

To

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



High Court, Madras.

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SUNDER MOHAN, J.

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