



Crl.R.C.No.2183 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 4/12/2024

C O R A M

THE HONOURABLE Mr.JUSTICE SUNDER MOHAN

Crl.R.C.No.2183 of 2024

1. Selvaraj
2. Vignesh
3. Manikandan
4. Selvi
5. Selvi
6. Sakthivel
7. Pramila
8. Selvaganapathi
9. Selvam
10. Kaveriyammal @ Pappa
11. Ayyandurai
12. Pappa
13. Soniya
14. Lakshmanan
15. Sambu @ Shanmugam
16. Vinoth @ Vinoth Kumar
17. Rajmohan
18. Rajaya @ Rasaya
19. Ayyammal
20. Karthi
21. Eswari
22. Karuppannan @ Saravanan

...

Petitioners

Vs



Crl.R.C.No.2183 of 2024

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

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

... Respondents

PRAYER: Criminal Revision Case filed under Section 438 r/w. 442 of BNSS to set aside the order passed in B.N.S.S.No.174 of 2024 by the first 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.S.Udaya Kumar
Government Advocate (Crl. Side)

ORDER

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

2.The learned counsel for the petitioner would submit that the order



impugned was passed even without serving notice to the petitioner, violating the provisions of Sections 129 to 136 of BNSS.

3.The learned Government Advocate (Cil. Side) per contra submitted that notice was issued on 5/9/2024, directing the petitioner to appear on 06.09.2024.

4.Against the very same order, a revision was filed in Crl.R.C.Nos.1898 & 1906 of 2024 by one of the recipient of the notice issued by the respondents, wherein this Court had passed the following order:

“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 executed 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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SUNDER MOHAN, J

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mvs.

5.The above observation made in the said order is squarely applicable to the facts of the present case. Hence, the revision stands allowed setting aside the impugned order passed by the first respondent in B.N.S.S.No.174 of 2024 dated 05.09.2024.

4/12/2024

Index:Yes/No

Neutral Citation: Yes/No

mvs.

To

- 1.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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