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Crl.R.C.No.2268 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.2268 of 2024

Sakthivel

... Petitioner

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

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.163 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 Respondent : Mr.S.Udayakumar
Government Advocate (Crl. Side)



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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 (Crl. Side) per contra submitted that notice was issued on 05.09.2024, 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:



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“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.”

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.163 of 2024 dated 05.09.2024.

12.12.2024

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

rgt



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SUNDER MOHAN, J.

rgr

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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