



Crl.O.P(MD).Nos.13784 and 13786 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.08.2024

CORAM :

THE HON'BLE MR JUSTICE D. BHARATHA CHAKKARAVARTHY

Crl.O.P(MD).Nos.13784 and 13786 of 2024 and
Crl.M.P(MD).Nos.8529, 8532 of 2024

Ramakrishnan

... Petitioner in
Crl.O.P(MD).No.13784/2024

Veerapathiran

... Petitioner in
Crl.O.P(MD).No.13786/2024

Vs.

1. The II Class Executive Magistrate,
Cum – Thasildar,
Thiruvadanai,
Ramanathapuram District.

2. The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.

... Respondents in
both the Crl.O.Ps.

COMMON PRAYER :- Criminal Original Petitions filed under Section 528 BNSS, 2023 to call for the records and quash the summon in M.C.Nos.40 and 41 of 2024 passed by the first respondent, dated 30.07.2024.



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For Petitioners : Mr. D. Balamurugapandi
in both cases
For respondent : Mr. Antony Prabhakar
Additional Public Prosecutor in both cases

COMMON ORDER

These two matters are identical and as such are taken up together and disposed of by this common order.

2. The petitions are filed challenging the notices issued by way of proceedings under Sections 129 and 130 of BNS Act, 2023.

3. It can be seen that the learned counsel appearing on behalf of the petitioners would submit that the petitioners have got valid explanation to submit relating to the offences, on the basis of the said offences, the proceedings cannot be initiated at all. Without considering the same, the learned Executive Magistrate is only insisting on the execution of bond and thereafter, routinely the violation is alleged on the petitioner are all detained and therefore, they are before this court.

4. Per Contra, the learned Additional Public Prosecutor would submit that there is no mandate to execute the bond. The notices actually say that they have to either execute a bond or to show cause why they



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should not be ordered to execute the bond. Therefore, the petitioners can very well submit the explanation.

5. I have considered the rival submissions made on either side and perused the materials available on record.

6. The show cause notices impugned in these petitions clearly states that the petitioners can also show as to why they need not be ordered to execute a bond for a sum of Rs.50,000/-, therefore, the petitioners can very well submit their explanation / objections for the initiation of proceedings and also put forth such circumstances,, which would be in their favour to dissuade the authority to come to the conclusion that they should be made to execute a bond of Rs.50,000/-. Therefore, since the said date is already over, the petitioners shall appear before the Executive Magistrate on 06/09/2024 and submit their explanation along with such other documents which are necessary. Upon such submission, it is for the Executive Magistrate to consider the same in accordance with law and thereafter, take a decision and he will also pass a reasoned order by duly considering the objections submitted by the petitioners.



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7. With the above observations, these Criminal Original Petitions are disposed of. Consequently, the connected Miscellaneous Petitions are closed.

22.08.2024

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
trp

Note : Issue order copy on 04.09.2024
To

1. The II Class Executive Magistrate,
Cum – Thasildar,
Thiruvadanai,
Ramanathapuram District.
2. The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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D. BHARATHA CHAKKARAVARTHY, J.,

Trp

**Crl.O.P(MD).Nos.13784 and 13786 of 2024 and
Crl.M.P(MD).Nos.8529, 8532 of 2024**

22.08.2024