



WEB COPY



Crl.RC.No.1585 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.RC.No.1585 of 2024 and

Crl.M.P.No.13169 of 2024

1. Logu Iyappan
2. Ravichandar
3. Ilango

... Petitioners

Vs.

State rep. by

1. The Sub Inspector of Police
Ariyankuppam Police Station
Puducherry

2. The Sub-Divisional Magistrate (North)
Puducherry

(R2 impleaded as per order dated 28.10.2024 in
Crl.MP.No.14841 of 2024 in Crl.RC.No.1585 of 2024)

... Respondent

Prayer: Criminal Revision Case filed under Section 438 read with 442 of
B.N.S.S. to set aside the order passed under Section 136 of the Bharatiya



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Nagarik Suraksha Sahita (BNSS) dated 10.09.2024 in M.C.No.207 of 2024 of

IR.No.110 of 2024 under Section 126 of BNSS, 2023 on the file of the Sub

Divisional Magistrate (North) at Puducherry.

For Petitioners : Mr.S.Doraiswamy

For Respondents : Mr.M.V.Ramachandramurthy
Additional Public Prosecutor

ORDER

This Criminal Revision Case has been filed by the petitioners to set aside the order passed under Section 136 of the Bharatiya Nagarik Suraksha Sahita (BNSS) dated 10.09.2024 in M.C.No.207 of 2024 of IR.No.110 of 2024 under Section 126 of BNSS, 2023 on the file of the Sub Divisional Magistrate (North) at Puducherry.

2. The case of the petitioners is that the petitioners and other followers organized demonstration requesting the Puducherry Government to restore the reservation for the backward and downtrodden class people which was taken



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away by the Government. Subsequently, the police arrested the petitioners and

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a case in Crime No.105 of 2024 was registered by Mudaliarpur Police under

Section 170 of BNSS and later they were released on bail. Once again, alleging

that the petitioners and others displayed objectionable posters against the

officers responsible for deleting the reservation, yet another case in Crime

No.170 of 2024 was registered under Section 5 of Puducherry Open Place

Prevention of Disfigurement Act, 2000 by Mudaliarpur Police on 03.09.2024.

Thereafter, the respondent police filed a petition under Section 126 of BNSS to

the Sub Divisional Magistrates (North) on 04.09.2024. The learned Sub

Divisional Magistrate passed a preliminary order under Section 130 of BNSS

calling upon the petitioners to show cause as to why an order should not be

passed to execute a bond for Rs.1 lakh with one Government Servant surety.

On receipt of the show cause notice, the petitioners filed a counter and

submitted their case. Further, on 04.09.2024 the Under Secretary to

Government Mr.V.Jaisankar circulated an Office Memorandum stating that



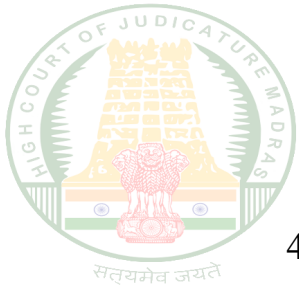
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G.O.Ms.No.5/SWS/2022-2023 dated 15.03.2023 is cancelled and further in the

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said Office Memorandum, he has also mentioned that Lieutenant Governor had also conveyed to issue fresh notification for the above said posts by providing reservation. This being so, without providing opportunity under Section 130 of BNSS, the impugned order dated 10.09.2024 was passed by the Sub Divisional Magistrate directing the petitioners to execute a bond for an amount of Rs.1 lakh with one Government Servant surety to maintain peace for a period of one year, which on the face itself is erroneous and liable to be set aside.

3. The learned Additional Public Prosecutor would submit that since the petitioners made agitations, in order to control the law and order, the Sub Divisional Magistrate passed the impugned order dated 10.09.2024 and subsequently, the Government (Pondicherry) has withdrawn the Government Order and now the Government is also not insisting the order passed by the Sub Division Magistrate dated 10.09.2024.



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4. Recoding the submissions of the learned Additional Public Prosecutor,

this Criminal Revision Case is allowed and the impugned order dated 10.09.2024 is set aside.

5. Consequently, the connected Miscellaneous Petition is closed.

27.03.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

1.The Sub-Divisional Magistrate (North)

Puducherry

2.The Sub Inspector of Police

Ariyankuppam Police Station

Puducherry

3. The Public Prosecutor

High Court of Madras



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P.VELMURUGAN. J.

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