



Crl.O.P.No.22837 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P.No.22837 of 2025
and Crl.M.P.No.15613 of 2025

Prabhu

... Petitioner

Vs.

1. The Sub-Divisional Executive Magistrate
cum Revenue Divisional Officer,
Virudhachalam Sub-Division.
M.C.No.158 of 2025.

2. State by, The Inspector of Police,
Ramanatham Police Station,
Cuddalore District.

... Respondents

PRAYER : Criminal Original Petition is filed under Section 528 of BNSS,
to call for the records related to the case in M.C.No.158 of 2025 on the file
of the first respondent and quash the same, as against the petitioner.

For Petitioner : Mr.R.Thamarai Selvan

For Respondents : Mr.R.Vinothraja
Government Advocate (Criminal Side)

ORDER

The Criminal Original Petition has been filed seeking to quash the
summons issued by the first respondent in M.C.No.158 of 2025 dated
07.08.2025 under Section 129 BNSS.



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2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondents.

3. The contention of the learned counsel appearing for the petitioner is that the summons issued under Section 129 BNSS, directing the petitioner to execute a security bond for good behavior, has been issued by the first respondent to the petitioner without following the mandatory procedure, thereby indicating the non application of mind. The substantial information required to be mentioned have not been specified in the said summons. Therefore, the summons issued under Section 129 BNSS without furnishing the alleged information against the petitioner, cannot be sustained by way of law. Hence, he prayed for setting aside the same.

4. It is relevant to note that as per Section 130 BNSS, when the Magistrate, acting under Section 129 of BNSS, deems it necessary to require any person to show cause for the execution of a security or bail bond for good behavior, before issuing such notice, there must be an order in writing setting forth the substance of the information received, the amount of the bond to be executed, the term for which it is to be in force and the



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number, character and class of sureties, which must be specifically mentioned in the said order.

5. However, in the present case, the impugned summons issued by the respondents does not disclose any such information. Therefore, in the absence of the mandatory details as required under Section 130 of BNSS, the order directing the petitioner to execute the security bond for his good behavior cannot be sustained. Hence, this Court is inclined to set aside the impugned summons issued by the first respondent.

6. Accordingly, the Criminal Original Petition stands allowed and the summons issued by the first respondent against the petitioner in M.C.No.158 of 2025 dated 07.08.2025 is hereby quashed. Consequently, the connected miscellaneous petition is closed. However, it is made clear that it is always open to the respondents to pass appropriate orders as per law.

14.08.2025

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Neutral Citation: Yes/No



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N. SATHISH KUMAR, J.

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To

1. The Sub-Divisional Executive Magistrate
cum Revenue Divisional Officer,
Virudhachalam Sub-Division.
M.C.No.158 of 2025.
2. The Inspector of Police,
Ramanatham Police Station,
Cuddalore District.
3. The Public Prosecutor,
High Court of Madras.

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