

Hyder Ali vs State of Karnataka

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Court : Karnataka

Decided On : Jul-31-2024

Judge : Hemant Chandangoudar

Appeal No. : WP/13399/2024

Appellant : Hyder Ali

Respondent : State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF JULY, 2024 BEFORE THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR WRIT PETITION NO. 13399 OF 2024 (GM-POLICE) BETWEEN: HYDER ALI S/O ANWAR ALI, AGED ABOUT 40 YEARS, R/O NO.96, E MASJID STREET, NEELASANDRA, BANGALORE, KARNATAKA-560 047. PETITIONER (BY SRI. SIRAJUDDIN AHMED., ADVOCATE) AND:

1. STATE OF KARNATAKA

REP BY AGA, HIGH COURT BUILDING, BANGALORE-560 001. Digitally signed by R HEMALATHA 2. THE COMMISSIONER OF POLICE, Location: HIGH

COURT OF INFANTRY ROAD, KARNATAKA BANGALORE-560 001.

3. SHO, ASHOKNAGAR POLICE STATION, 38H, 3RD ST, SHANTHALA NAGAR
KARNATAKA-560 025.

4. GIRISH NAYK, POLICE OFFICER, ASHOKNAGAR POLICE STATION, 38H,
3RD ST, SHANTHALA NAGAR, KARNATAKA - 560 025. RESPONDENTS (BY
SRI.SHAMANTH NAIK.,HCGP) -2- THIS WRIT PETITION IS FILED UNDER
ARTICLES 226

AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO SET ASIDE ORDER
WHICH IS PRODUCED AS ANNEXURE-A PASSED BY THE RESPONDENT
POLICE DATED 08/03/2024 IN PREVENTIVE ACTION REPORT NO.16/2024.
THIS WRIT PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS
MADE THEREIN AS UNDER: CORAM: HON'BLE MR JUSTICE HEMANT
CHANDANGOUDAR

ORAL ORDER

The petitioner has challenged the Preventive Action Report

filed by the respondent-Police, which requires the petitioner to execute an
indemnity bond due to concerns that the petitioner may cause public disturbances.
The primary contention is that this report was registered without providing the
petitioner an opportunity for a hearing, rendering the registration of the report
contrary to the provisions of Section 111 of the Code of Criminal Procedure, 1973.

2. The Learned High Court Government Pleader for the

State argues that the available material indicates a clear possibility of the
petitioner causing public disturbances, citing the petitioners history of habitual
offenses. Consequently, it is argued that the Preventive Action Report registered
by the police does not warrant interference.

3. Section 111 of the Code of Criminal Procedure, 1973,

states that when a Magistrate, acting under Section 107, Section 108, Section 109, or Section 110, deems it necessary to require any person to show cause under such sections, they must issue a -3- written order. This order should detail the substance of the information received, the amount of the bond to be executed, the term for which the bond is to be in force, and the number, character, and class of sureties (if any) required.

4. In the present case, the respondent issued a Show

Cause Notice to the petitioner and subsequently registered the Preventive Action Report. This procedure contravenes Section 111 of the Code of Criminal Procedure.

5. Therefore, the petition is allowed, and the impugned Preventive Action Report dated March 8, 2024, registered by the respondent-Police at Annexure-A is hereby quashed.

6. Liberty is reserved to the respondents to take appropriate action after following the due process of law. Sd/- (HEMANT CHANDANGOUDAR) JUDGE CBC List No.: 1 Sl No.: 12

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