

**In Re: Kumarappa Chettiar and ors.**

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**SooperKanoon Citation :** [sooperkanoon.com/806682](http://sooperkanoon.com/806682)

**Court :** Chennai

**Decided On :** Apr-15-1937

**Reported in :** AIR1938Mad213

**Appellant :** In Re: Kumarappa Chettiar and ors.

**Judgement :**

ORDER

**King, J.**

1. This petition is not seriously opposed by the learned Public Prosecutor. All that has been proved is that the petitioners have committed certain acts of violence in the past. What must be proved in order to justify an order of this kind is that the petitioners are likely to break the peace in future. Does any occasion, does any cause of quarrel exist which is likely to cause them to break the peace? The learned Sessions Judge has not found that any exists. He disbelieves the main feature of the prosecution that the petitioners formed a compact with the object of using force in agitating against the landlords.

2. In these circumstances, it is not enough for the learned Sessions Judge merely to say that he thinks that men who have been violent once will be violent again: see Maruthapali Goundan v. Emperor : AIR1937 Mad356 and I set aside the order binding over the petitioners.

