

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Thursday, the Sixteenth day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL MISCELLANEOUS PETITION No.10765 of 2018

IN CRL RC.927/2018

SUDHAKAR

[ PETITIONER ]

vs

1 THE EXECUTIVE MAGISTRATE AND  
DEPUTY COMMISSIONER OF POLICE,  
MYLAPORE CHENNAI.

[ RESPONDENTS ]

2 THE INSPECTOR OF POLICE,  
(LAW AND ORDER),  
J-4 KOTTURPURAM POLICE STATION,  
CHENNAI.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.927/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed upon the Petitioner by the Executive Magistrate and the Deputy Commissioner of Police Mylapore, chennai in Crl.M.P.No.1 of 2018 order dated 08.06.2018 in Na.Ka.No.21 and enlarge the Petitioner on bail pending disposal of the above Criminal Revision Petition No.927 of 2018.[CRL.MP.NO.10765/2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.927/2018 on the file of the High Court and upon hearing the arguments of M/S.G.MOHANA KRISHNAN Advocate for the petitioner and of MR.S.THANKIRA Government Advocate on behalf of the Respondent the court made the following order:-

The petitioner was initially issued summons directing to execute a bond for a sum of Rs.5,000/- to keep peace for a period of six months. The petitioner had executed a security bond for the aforesaid amount and the same was recorded. On 30.05.2018, a case has been registered for the offences under Sections 341, 294(b), 323, 384 and 506(ii) of IPC in Crime No.490 of 2018 and was remanded to judicial custody by the learned IXth Metropolitan Magistrate, Saidapet. While so, the 1<sup>st</sup> respondent filed a petition u/s.122(1)(b) of Cr.P.C., to cancel the bond for violation and to detain the petitioner for the remaining period and the petitioner herein was detained for a period of 165 days. Hence, petitioner seeks suspension

of sentence.

2. Learned counsel submits that there are several infirmities and inconsistencies in the prosecution case and there are contradictions in the material particulars in the evidence of the prosecution witnesses.

3. Heard learned Additional Public Prosecutor on the submissions made by learned counsel for petitioner.

4. Considering the facts and circumstances of the case and in view of the fact that there are several infirmities in the prosecution case and there are arguable points involved in the revision, as contended by the learned counsel for petitioner, and further the revision is not likely to be taken up for final hearing in the near future, this Court is of the considered view that the petitioner herein is entitled to the relief of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Executive Magistrate and the Deputy Commissioner of Police, Mylapore, Chennai and on further condition that the petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m. pending revision.

-sd/-

16/08/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.

TO

1 THE EXECUTIVE MAGISTRATE AND  
DEPUTY COMMISSIONER OF POLICE, MYLAPORE  
CHENNAI.

2 THE INSPECTOR OF POLICE, (LAW AND ORDER),  
J-4 KOTTURPURAM POLICE STATION, CHENNAI.

3 THE SUPERINTENDENT,  
CENTRAL PRISON, PUZHAAL, CHENNAI

4 THE PUBLIC PROSECUTOR,  
HIGH COURT, MADRAS

<https://hcservices.ecourts.gov.in/hcservices/>

+1 C.C. to M/S.G.MOHANA KRISHNAN Advocate on payment of  
necessary charges SR.NO. 15403

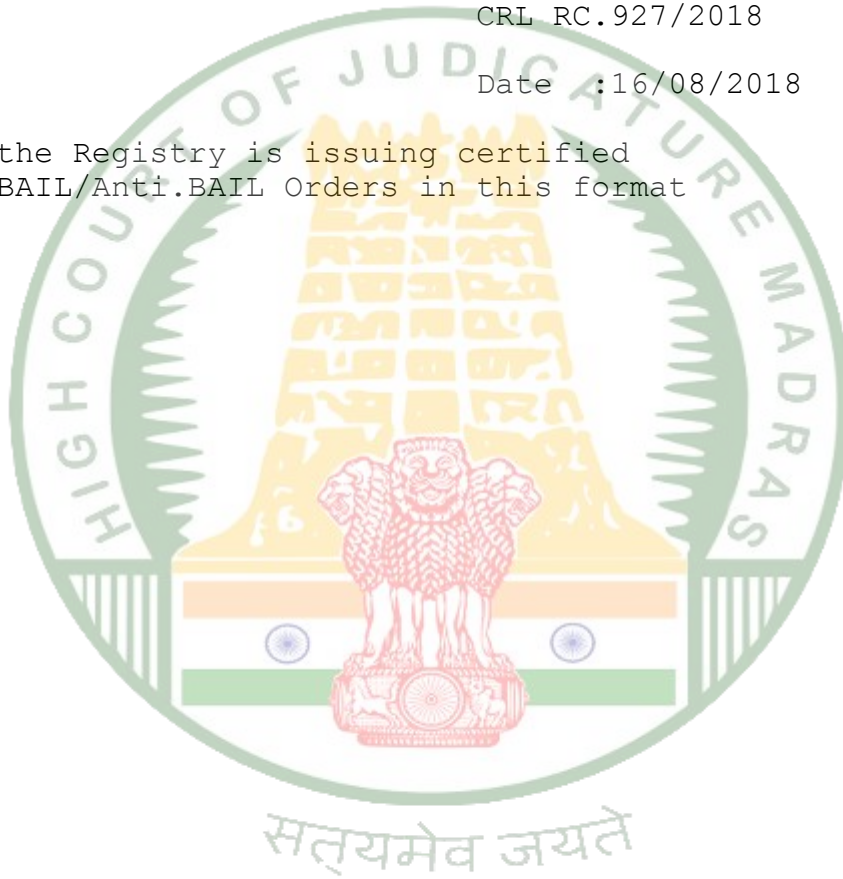
Order

in  
CRL MP.10765/2018

in  
CRL RC.927/2018

Date :16/08/2018

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RD 20/08/2018



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