

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Fifth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice C. T. SELVAM

CRIMINAL MISCELLANEOUS PETITION No.13699 of 2017

IN CRL RC.1393/2017

B.SATHIYA,

[PETITIONER/ACCUSED]

Vs

STATE,

[RESPONDENT]

REP. BY INSPECTOR OF POLICE,

J-11, KANNAGI NAGAR (L & O) POLICE STATION,

CHENNAI.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal RC. No.1393 OF 2017 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed by the Executive Magistrate Cum Deputy Commissioner of Police, Adayar Range, Chennai in M.P. No.12 of 2017 in Na.Ka.No. 419/Nir.Se.Nadu/Ka.Thu.Aa/ Adyar District/2017 dated 09.10.2017 pending disposal of the Crl.R.C.1393/2017.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.RC.No.1393 of 2017 on the file of the High Court and upon hearing the arguments of MR.S.SENTHILVEL, Advocate for the petitioner and of MR. V.ARUL, ADDL. PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

Respondent moved MP.No.12 of 2017 in proceedings of Executive Magistrate-cum-Deputy Commissioner of Police, Adayar District, Chennai in Na.Ka.419/2017 dated 09.10.2017 seeking an order to detain the accused B.Sathiya, M/a.28, S/o.Babu, for his violation of conditions of the bond executed under Section 110 Cr.P.C on 06.10.2017. The Executive Magistrate-cum-Deputy Commissioner of Police, Adayar District, Chennai, under orders dated 09.10.2017, directed the detention of accused for six months, deducting the period of his good behavior of 28 days for the balance of 152 days from the date of his commitment to the Prison. Challenging such order, petitioner preferred the present Revision in Crl.RC.No.1393 of 2017. This miscellaneous petition has been filed seeking suspension of sentence.

2. Learned counsel for petitioner would submit that there are several infirmities and inconsistencies in the order under challenge. Learned counsel further informs that petitioner is now confined at

Central Prison No.II, Puzhal, Chennai-600 066.

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

4. Taking into consideration the submissions of learned counsel for petitioner and that the revision is not likely to be taken up for final hearing in the near future, this Court is of the view that petitioner herein may be granted the relief of suspension of sentence.

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

-sd/-
05/01/2018

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 JUDICIAL MAGISTRATE,
ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET. [FOR INFORMATION]

3 THE EXECUTIVE MAGISTRATE CUM
DEPUTY COMMISSIONER OF POLICE,
ADAYAR RANGE, CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZAL II, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
J-11, KANNAGI NAGAR (L & O) POLICE STATION,
CHENNAI.

+1 C.C. to M/S.S.SENTHILVEL Advocate on payment of necessary
charges-Sr.869

Order

in
CRL MP.13699/2017

in
CRL RC.1393/2017

Date :05/01/2018

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ths : 08.01.2018