

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Third day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.V. MURALIDARAN

CRIMINAL MISCELLANEOUS PETITION No.15442 of 2017

IN CRL RC.1540/2017

RAJAN,

[PETITIONER]

Vs

THE INSPECTOR OF POLICE,
J-11 KANNAGI NAGAR POLICE STATION,
CHENNAI-600 020
CR.NO.1312 OF 2017.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.1540/2017 on the file of the High Court, the High Court will be pleased to suspend the execution of the sentence dated 20.10.2017 passed in M.P.NO.17 of 2017 passed against the revision Petitioner by the Na.Ka.No.408/Neir, Executive, Magistrate/Dept, Commissioner/Adayar, District/2017, M.P.No.17 of 2017 dated 20.10.2017 confirming the judgment and sentence in Cr.No.1312 of 2017 on the file of Executive Magistrate and Deputy Commissioner, Adyar District, Chennai dated 28.09.2017 and enlarge the petitioner on bail pending disposal of the above Criminal Revision No.1540 of 2017.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.1540/2017 on the file of the High Court and upon hearing the arguments of M/S.MOHAMMED AASIF Advocate for the petitioner and of MR.SHANMUGA RAJESWARAN Government Advocate on behalf of the Respondent the court made the following order:-

A case was registered against the petitioner in Crime No.1312 of 2017 u/s.110(f) Cr.P.C. In connection with such case, petitioner was arrested and released on bail. Thereafter, the respondent required the petitioner to execute a security bond to keep good behaviour for six months and in the event of his failure to keep peace, he would be sentenced to undergo 6 months S.I. and to pay a fine of Rs.2,000/-. Alleging that after executing the bond, the petitioner was remanded to judicial custody in keeping with the impugned order. Hence, the present miscellaneous petition has been filed seeking suspension of sentence.

2. Learned counsel for the petitioner would submit that the petitioner is confined at Central Prison, Puzhal, Chennai.

3. Heard Mr. Shanmuga Rajeswaran, learned Government Advocate on the submissions made by the learned counsel for the petitioner.

4. Considering the facts and circumstances of the case 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 grant 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 Judicial Magistrate, Alandur and on further condition that the petitioner shall appear before the concerned Court on the first working day of every month at 10.30 a.m. pending revision.

-sd/-
23/01/2018

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
CHENGALPATTU[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
J-11 KANNAGI NAGAR POLICE STATION,
CHENNAI

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI

C.C. to M/S.MOHAMMED AASIF Advocate on payment of necessary
charges

Order

in
CRL MP.15442/2017

in
CRL RC.1540/2017

Date :23/01/2018

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RD 23/01/2018