

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Nineteenth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.V. MURALIDARAN

CRIMINAL MISCELLANEOUS PETITION No.1523 of 2018

IN CRL RC.178/2018

SURESH @ KALAI,

[PETITIONER/ACCUSED]

Vs

1 THE DEPUTY COMMISSIONER OF [RESPONDENTS]
POLICE, THIYAGARAYA NAGAR DISTRICT,
CHENNAI-600 017

2 INSPECTOR OF POLICE,
(LAW AND ORDER),
R1, MAMBALAM POLICE STATION,
T.NAGAR, CHENNAI-600 017

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal RC. No.178 OF 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed by the 1st Respondent being the Executive Magistrate cum Deputy Commissioner of Police, Thiyagaraya Nagar District Chennai in M.P.No.1 of 2018 in R.C.No.220/SEC/PRO/DC T.Nagar/2017 dated 12.01.2018 convicting the Petitioner for 275 days and enlarge the petitioner on bail pending disposal of the above said CRL.RC.NO.178/2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.RC.No.178 of 2018 on the file of the High Court and upon hearing the arguments of M/S.J.WILLIAM SHAKESPHERE, Advocate for the petitioner and of Mr.R.SURIYA PRAKASH, Government Advocate (Crl.Side) on behalf of the Respondent the court made the following order:-

The learned Government Advocate (Crl.side) takes notice on behalf of the respondents.

2. As per the order dated 12.01.2018 made in M.P.No.1 of 2018 in RC.No.220/SEC.PRO/DC.T.Nagar/2017 in R1 Mambalam P.S.Cr.1308/2017, on the file of the first respondent viz., Executive Magistrate cum Deputy Commissioner of Police, Thiyagaraya Nagar, Chennai, the petitioner was sentenced to undergo 275 days in jail from the date of the order i.e. 12.01.2018. Hence, petitioner seeks suspension of sentence.

3. Learned counsel for the petitioner would submit that there are several infirmities and inconsistencies in the prosecution case. He would further submit that the petitioner is in jail from the date of order i.e. 12.01.2018.

4. Taking into consideration the submissions of learned counsel for the 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 the petitioner herein may be granted 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 in a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned XVII Metropolitan Magistrate, Saidapet, 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/-
19/03/2018

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 METROPOLITAN MAGISTRATE,
NO.XVII, SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI.
[FOR INFORMATION]

3 THE EXECUTIVE MAGISTRATE CUM
DEPUTY; COMMISSIONER OF POLICE,
THIYAGARAYA NAGAR, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE DEPUTY COMMISSIONER OF
POLICE, THIYAGARAYA NAGAR,
CHENNAI-600 017

6 INSPECTOR OF POLICE,
(LAW AND ORDER), R1, MAMBALAM POLICE STATION,
T.NAGAR, CHENNAI-600 017

C.C. to M/S.J.WILLIAM SHAKESPHERE Advocate on payment of
necessary charges

Order

in
CRL MP.1523/2018

in
CRL RC.178/2018

Date :19/03/2018

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
ths : 19.03.2018