

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Tenth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice V. PARTHIBAN

CRIMINAL MISCELLANEOUS PETITION No.15580 of 2018

in CRL.R.C.No.1322 of 2018

THOTHU @ VINOTH

[PETITIONER/APPELLANT]

Vs

1 THE EXECUTIVE MAGISTRATE
CUM DEPUTY COMMISSIONER,
WASHERMENPET,
CHENNAI 600081.

[RESPONDENTS]

2 THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE(LAW AND ORDER),
H-3, TONDIARPET POLICE STATION,
CHENNAI 600081.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.R.C.No.1322 of 2018 on the file of the High Court, the High Court will be pleased to suspend the conviction and sentence order dated 27.09.2018 passed u/s.122(1)(b) of Cr.P.C against M.P.No.1/2018 in RC.No.43/sec.pro/DCP WPT/2018 in H-3 tondiarpet P.S.Sl.No.27/2018 u/s. 110 of Cr.P.C on the file of Executive Magistrate cum deputy commissioner, washermenpet, chennai 600 081.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.R.C.No.1322 of 2018 on the file of the High Court and upon hearing the arguments of M/S.M.ILLIYAS, Advocate for the petitioner, and of Public Prosecutor on behalf of the Respondents, the court made the following order:-

This miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioner, pursuant to the order passed by the learned Executive Magistrate/Deputy Commissioner of Police, Washermenpet, Chennai, dated 27.09.2018, in M.P.No.1 of 2018, in R.C.No.43/Sec.Pro/DCP WPT/2018, in H-3, Tondiarpet Police Station Sl.No.27/2018, and enlarge the petitioner on bail till the disposal of criminal Revision.

2.The learned counsel for the petitioner would submit that while passing the impugned order of sentence, no opportunity has been afforded to the petitioner and that the petitioner was unable to put forth his case.

3.Having regard to the facts and circumstances of the case, this miscellaneous petition is allowed and the sentence imposed by the learned Executive Magistrate/Deputy Commissioner of Police, Washermanpet, Chennai, dated 27.09.2018, in M.P.No.1 of 2018, in R.C.No.43/Sec.Pro/DCP WPT/2018, in H-3, Tondiarpet Police Station Sl.No.27/2018, is suspended and the petitioner is enlarged on bail on condition that he shall execute a bond for a sum of Rs.5,000/- (Rupees Five thousand only) with one surety for a like sum to the satisfaction of the XV Metropolitan Magistrate, George Town, Chennai, and also subject to the condition that he should not indulge in any offence. It is also directed that the petitioner shall appear before the Executive Magistrate concerned once in a week i.e. on every Monday at 10.30 a.m. pending disposal of the revision case.

-sd/-

10/12/2018

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 XV METROPOLITAN MAGISTRATE,
GEORGE TOWN, CHENNAI

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI

5 THE EXECUTIVE MAGISTRATE CUM
DEPUTY COMMISSIONER,
WASHERMENPET, CHENNAI 600081.

6 THE INSPECTOR OF POLICE (LAW AND ORDER),
H-3, TONDIARPET POLICE STATION,
CHENNAI 600081.

+1C.C. to M/S.M.ILLIYAS Advocate on payment of necessary
charges SR.NO.23609

Order

in

CRL MP.No.15580 of 2018

in

CRL.R.C.No.1322 of 2018

Date :10/12/2018

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copies of the BAIL/Anti.BAIL Orders in this format

cm 12/12/2018

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