

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.16043 of 2018

in CRL.RC.NO.1386/2018

THAMILARASAN @ BABU @ BABUJI [PETITIONER]
@ FRANCIS,

Vs

1 THE EXECUTIVE MAGISTRATE [RESPONDENTS]
DEPUTY COMMISSIONER OF POLICE,
WASHERMENPET RANGE, CHENNAI.

2 THE STATE BY
INSPECTOR OF POLICE(L AND O),
H3 TONDIARPET POLICE STATION-CUM-
INSPECTOR OF POLICE(CRIMES),
H4 KORUKKUPET POLICE STATION
(IN CHARGES)CHENNAI.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.RC.1386 of 2018 on the file of the High Court, the High Court will be pleased to stay the operation of the impugned order dated 26.10.2018 made by the 1st respondent in MP.No.1/2018 in RC.No.78/Sec.Pro/DCP WPT/2018 pending disposal of the above revision petition.

Order : This petition coming on for orders upon perusing the petition and Memorandum of Grounds in Crl.RC.NO.1386 of 2018 On the file of the High Court and upon hearing the arguments of M/S.V.JEEVAGIRIDHARAN, Advocate for the petitioner AND OF PUBLIC PROSECUTOR for the Respondent, the court made the following order:-

This miscellaneous petition has been filed seeking to stay the operation of the order passed by the learned Executive Magistrate/Deputy Commissioner of Police, Washermanpet Range, Chennai, dated 26.10.2018, in M.P.No.1 of 2018, in RC.No.78/Sec.Pro/DCP, WPT/2018, 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 order passed by the learned Executive Magistrate/Deputy Commissioner of Police, Washermanpet Range, Chennai, dated 26.10.2018, in M.P.No.1 of 2018, in RC.No.78/Sec.Pro/DCP, WPT/2018, is stayed 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 Court concerned 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 EXECUTIVE MAGISTRATE
DEPUTY COMMISSIONER OF POLICE,
WASHERMENPET RANGE, CHENNAI.

2 THE STATE BY
INSPECTOR OF POLICE (L AND O),
H3 TONDIARPET POLICE STATION-CUM-
INSPECTOR OF POLICE (CRIMES),
H4 KORUKKUPET POLICE STATION
(IN CHARGES) CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S.V.JEEVAGIRIDHARAN Advocate on payment of
necessary charges -Sr.23553

Order

in

CRL MP.16043/2018

in CRL.RC.NO.1386/2018

Date :10/12/2018

From 7.2.2001 the Registry is issuing certified
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ths : 12.12.2018



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