

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Eighteenth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice V. PARTHIBAN

CRIMINAL MISCELLANEOUS PETITION No.16396 of 2018

IN CRL.R.C.NO.1410 of 2018

MANIGANDAN @ NAIMANI

[PETITIONER]

Vs

1 THE EXECUTIVE MAGISTRATE
AND DEPUTY COMMISSIONER OF POLICE,
T.NAGAR,
CHENNAI 17.

[RESPONDENTS NO.1]

2 THE INSPECTOR OF POLICE(LAW AND ORDER),
R-7, K.K.NAGAR POLICE STATION,
CHENNAI-78.

[RESPONDENTS
NO.2/PETITIONER]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to suspend the sentence imposed upon the petitioner by the Executive Magistrate and Deputy Commissioner of Police, T.Nagar, Chennai in Crl.M.P.No.1/2018 order dated 16.11.2018 in Na.Ka.No.197/Nir.Se.Nadu.Ka.Thu.Aa/Thi.Ma.Va/2018 and enlarge the petitioner on bail pending disposal of the above Crl.R.C.No.1410 of 2018.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.G.MOHANA KRISHNAN, 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 execution of sentence imposed on the petitioner, in pursuance of the order passed by the learned Executive Magistrate and the Deputy Commissioner of Police, T.Nagar, Chennai in Crl.M.P.No.1 of 2018, dated 16.11.2018 in Na.Ka.No.197/Nir.Se.Nadu.Ka.Thu.Aa/Thi.Ma.Va/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 and the Deputy Commissioner of Police, T.Nagar, Chennai in Crl.M.P.No.1 of 2018, dated 16.11.2018 in Na.Ka.No.197/Nir.Se.Nadu.Ka.Thu.Aa/Thi.Ma.Va/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 Executive Magistrate and the Deputy Commissioner of Police, T.Nagar, 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/-
18/12/2018

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
AND DEPUTY COMMISSIONER OF POLICE,
T.NAGAR, CHENNAI 17.

2 THE INSPECTOR OF POLICE (LAW AND ORDER),
R-7, K.K.NAGAR POLICE STATION,
CHENNAI-78.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI

+1 C.C. to M/S.G.MOHANA KRISHNAN Advocate on payment of
necessary charges SR.NO.24339

Order

in
CRL MP.16396/2018
in
CRL.R.C.NO.1410/2018

Date :18/12/2018

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