

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.16604 of 2018

IN CRL RC.1422/2018

VINOTH @ VINOTH KUMAR

[PETITIONER]

Vs

1 EXECUTIVE MAGISTRATE CUM

[RESPONDENTS]

DEPUTY COMMISSIONER OF POLICE,
TRIPPLICANE DISTRICT, CHENNAI.

2 STATE

INSPECTOR OF POLICE,
F5 CHOOLAIMEDU POLICE STATION,
CHENNAI.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.1422/2018 on the file of the High Court, the High Court will be pleased to suspend order of imprisonment passed by the 1st Respondent learned Executive Magistrate Deputy Commissioner of Police, Triplicane Dist., Chennai in MP.No.3 of 2018 in Na.Ka.No.125 Nir.Ch.Nadu.Ka.Thu.Aah.Thi.Ma/2018 and set aside the order dt.19.11.2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.1422/2018 on the file of the High Court and upon hearing the arguments of M/S.RAJAVELU, Advocate for the petitioner and of MR.G.HARIHARA ARUN SOMSANKAR Government Advocate[Crl.side] on behalf of the Respondent 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/Deputy Commissioner of Police, Triplicane District, Chennai, dated 19.11.2018, in M.P.No.3 of 2018 in Na.Ka.No.125/Nir.Ch.Nadu.Ka.Thu.Aah.Thi.Ma/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 petition is allowed and the sentence imposed by the

learned Executive Magistrate/Deputy Commissioner of Police, Triplicane District, Chennai, 19.11.2018, in M.P.No.3 of 2018 in Na.Ka.No.125/Nir.Ch.Nadu.Ka.Thu.Aah.Thi.Ma/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 XVII Metropolitan Magistrate, Saidapet, 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 METROPOLITAN MAGISTRATE,
XVII, SAIDAPET, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE [FOR INFORMATION]

3 EXECUTIVE MAGISTRATE CUM
DEPUTY COMMISSIONER OF POLICE,
TRIPPLICANE DISTRICT, CHENNAI.

4 THE INSPECTOR OF POLICE,
F5 CHOOLAIMEDU POLICE STATION, CHENNAI.

5 THE SUPERINTENDENT
CENTRAL PRISON, PUZZHAL, CHENNAI

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS

+1 C.C. to M/S. RAJAVELU Advocate on payment of necessary
charges SR.NO. 24417

Order

in
CRL MP.16604/2018

in
CRL RC.1422/2018

Date : 18/12/2018

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RD 20/12/2018