

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Sixteenth day of September Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION No.6926 of 2019

IN CRL.RC.505 OF 2019

DHAMODHARAN @ KABALI

[PETITIONER]

Vs

1 THE EXECUTIVE MAGISTRATE CUM
THE DEPUTY COMMISSIONER OF POLICE,
AMBATTUR DISTRICT

[RESPONDENT]

2 THE INSPECTOR OF POLICE (LAW AND ORDER),
T6 AVADI POLICE STATION,
AMBATTUR DISTRICT,
CR.NO.293 OF 2019

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.505 OF 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence of imprisonment imposed on the petitioner in the detention order passed against the petitioner to imprisonment for 335 days in the proceedings in C.No.21/Sec.Pro./DC Amb/2019 dated 11.04.2019 on the file of the Executive Magistrate Cum the Deputy commissioner of Police, Ambattur District and enlarge the petitioner on bail pending disposal of the above Crl.RC.505 of 2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No. on the file of the High Court and upon hearing the arguments of M/S.S.SILAMBU SELVAN, Advocate for the petitioner and of MR. M.MOHAMED RIYAZ, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

1. This Criminal Miscellaneous Petition has been filed, seeking suspension of sentence and to enlarge the Petitioner on bail, in

connection with the order dated 11.04.2019, passed by the 1st Respondent, the Executive Magistrate cum the Deputy Commissioner of Police, Ambattur District in MP.No.1/2019. In C.No.21/Sec.Pro/DC Amb/2019.

- 2.This Court heard the learned counsel on either side and also perused the materials placed on record.
- 3.The case of the Prosecution is that the Petitioner had executed a bond with two sureties, dated 04.03.2019, to maintain peace for a period of one year, in connection with Cr.No.525/2015 for the offence under Section 302 of IPC. While so, on 02.04.2019 during the period of bond, the Petitioner had committed the offence punishable under Section 294 (b), 324, 506(ii) of IPC, based on which, a case was registered in Cr.No.293 of 2019, by the respondent police. Since the Petitioner/ accused had violated the conditions of the earlier bail bond, dated 04.03.2019, undertaking not to involve in any crime for a period of one year, the 1st Respondent, the Executive Magistrate cum the Deputy Commissioner of Police, Ambattur District had conducted an enquiry and passed the impugned order, dated, 11.04.2019, in MP.No.1/2019 in C.No.21/Sec.Pro/DC Amb/2019, committing him to prison to undergo imprisonment for 335 days, under Section 122 (1) (b) of Cr.PC. Hence, the present Criminal Revision has been filed, along with the above criminal miscellaneous petition, seeking suspension of sentence.
- 4.The learned counsel for the Petitioner/accused would submit that there are arguable points available in the Criminal Revision Case and that the revision petitions is not likely to be taken for final hearing in the near future and that the Petitioner has got a fair chance of succeeding in the Criminal Revision Case and would pray that the substantive sentence imposed against the Petitioner/ accused may be suspended.
- 5.The learned Additional Public Prosecutor would vehemently oppose for granting suspension of sentence.
- 6.Considering the facts and circumstances of the case and also considering the submissions of the learned counsel on either side, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, the substantive sentence of imprisonment imposed on the Petitioner/ accused alone is hereby suspended, till the disposal of the Criminal Revision Case and the Petitioner/ accused is hereby ordered to be enlarged on bail on the following conditions:-
 - i. The Petitioner/ accused shall execute a bond for a sum of Rs.5,000/- (Rupees Five Thousand only), with two sureties, each for a like sum, to the satisfaction of the Judicial Magistrate No.II, Poonamallee.

ii.The Petitioner/accused shall report before the Executive Magistrate cum the Deputy Commissioner of Police, Ambattur District, on every Monday at 10.30 a.m., until further orders.

-sd/-

16/09/2019

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 JUDICIAL MAGISTRATE,
NO.II, POONAMALLEE

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR (FOR INFORMATION)

3 THE EXECUTIVE MAGISTRATE CUM
THE DEPUTY COMMISSIONER OF POLICE,
AMBATTUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE EXECUTIVE MAGISTRATE CUM
THE DEPUTY COMMISSIONER OF POLICE,
AMBATTUR DISTRICT

6 THE INSPECTOR OF POLICE
(LAW AND ORDER), T6 AVADI POLICE STATION,
AMBATTUR DISTRICT.

7 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

C.C. to M/S.S.SILAMBU SELVAN Advocate on payment of necessary charges Sr.19404

Order
in
CRL MP.6926/2019

IN CRL.RC.505 OF 2019

Date :16/09/2019

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