

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Ninth day of September Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA
CRIMINAL MISCELLANEOUS PETITION No.11886 of 2019
in CRL.RC.NO.815 OF 2019

TAMIZHARASAN

[PETITIONER]

Vs

1 THE EXECUTIVE MAGISTRATE CUM [RESPONDENT]
DEPUTY COMMISSIONER OF POLICE,
MADHAVARAM RANGE,
CHENNAI CITY POLICE.

2 THE INSPECTOR OF POLICE,
LAW AND ORDER,
M-5, ENNORE POLICE STATION,
CHENNAI-57.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.815/2019 on the file of the High Court, the High Court will be pleased to SUSPEND THE SENTENCE and enlarge the petitioner on bail in M.P.No.09 of 2019 in RC.No.181/Sec.Pro/DCP MVM/2019 dated 22.07.2019 on the file of the Executive Magistrate cum Deputy Commissioner of Police, Madhavaram Range, pending disposal of revision petition. [CRL.MP.NO.11886/2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.815/2019 on the file of the High Court and upon hearing the arguments of M/S. M.KAVERI SELVAM, Advocate for the petitioner and of MR.M.MOHAMED RIYAZ, ADDL. PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

Crl.M.P.No.11886 of 2019 has been filed, seeking suspension of sentence and to enlarge the Petitioner on bail, in connection with the order dated 22.07.2019, passed by the 1st respondent, Executive Magistrate cum Deputy Commissioner of Police, Madhavaram Range, in M.P.No.09 of 2019 in RC.No.181/Sec. Pro/DCP MVM/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 on 30.03.2019, to maintain peace for a period of one year along with two sureties, in connection with Cr.No.17/19 for the

offences under Sections 341, 294(b), 394, 506 (ii) of IPC. While so, on 25.06.2019, during the period of bond, the petitioner had committed the offences under sections 147, 148, 314, 294(b), 324, 307, 506(ii) of IPC, based on which, a case was registered in Cr.No.321 of 2019 by the M-5 Ennore Police Station. Since the petitioner/accused had violated the conditions of the earlier bail bond dated 30.03.2019, undertaking not to involve in any crime for a period of one year, the Executive Magistrate cum Deputy Commissioner of Police, Madhavaram had conducted an enquiry on 22.07.2019 and passed the impugned order dated 22.07.2019, in R.C.No.181/Sec.Pro/DCP MVM/2019, committing him to prison to undergo imprisonment 252 days, under Section 122(b) of Cr.P.C. 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.10,000/- (Rupees Ten Thousand only), with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate, Thiruvottriur.
- ii. The Petitioner/accused shall report before the Executive Magistrate Cum Deputy Commissioner, Madhavaram, Chennai, on every Monday at 10.30 a.m., until further orders.

-sd/-

09/09/2019

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,
THIRUVOTTRIYUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR[FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE EXECUTIVE MAGISTRATE CUM
DEPUTY COMMISSIONER OF POLICE, MADHAVARAM
RANGE, CHENNAI CITY POLICE.

6 INSPECTOR OF POLICE,
LAW AND ORDER, M-5,
ENNORE POLICE STATION,
CHENNAI-57.

+1 C.C. to M/S. M.KAVERI SELVAM Advocate on payment of
necessary charges SR.NO. 18818

Order

in

CRL MP.11886/2019

in CRL.RC.NO.815 OF 2019

Date :09/09/2019

From 7.2.2001 the Registry is issuing certified
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RD 10/09/2019