

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of September Two Thousand Nineteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.13422 of 2019

IN CRL.R.C.NO.946 of 2019

MURALIKRISHNAN

[PETITIONER]

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
LAW AND ORDER,
K-9, THIRU.VI.KA. NAGAR POLICE STATION,
CHENNAI-600 011.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) To suspend the sentence and release the petitioner on bail pending disposal of this criminal revision before this Hon'ble Court against the judgment dated 03.07.2019 in M.P.No.1 of 2019 on the file of the Executive Magistrate and Deputy Commissioner of Police, Pulianathope District, in RC No.131/SEC.PRO/DCP(P) 2019 on the file of Executive Magistrate and Deputy Commissioner of Police, Pulianathope District in C.No.21//Inspr.K9 PS/Sec.Pro.2019 u/s 107 Crl.R.C.No.946 of 2019.

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.S.MOHAMED ANSAR, 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 03.07.2019, passed by the learned Executive Magistrate cum Deputy Commissioner of Police, Pulianathope, Chennai, in MP.No.1/2019 in RC.No.107/SEC.PRO/DCP(P)/2019 in C.No.21/Inspr.K9 PS/Sec. Pro.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, dated 01.04.2019, to maintain peace for a period of one year,

along with two sureties, in connection with Cr.NO.752 of 2013 for the offence under Section 147, 148, 341, 294 (b), 323, 307, 302 of IPC. While so, on 16.06.2019, during the period of bond, the Petitioner had committed the offence under Sections 294 (b), 324, 353, 307 of IPC, based on which, a case was registered in Cr.No.660/2019, by the K9 Thiru.V.KA Nagar Police Station. Since the Petitioner/ accused had violated the conditions of the earlier bail bond, dated 01.04.2019, undertaking not to involve in any crime for a period of one year, the Executive Magistrate Cum Deputy Commissioner of Police, Pulianthope, Chennai, had conducted an enquiry and passed the impugned order, dated 03.07.2019, in MP.No.1/2019 in RC.No.107/SEC.PRO/DCP (P)/2019 in C.No.21/Inspr.K9 PS/Sec. Pro.2019 committing him to prison to undergo 280 days under Section 122 (1) (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.5,000/- (Rupees Five Thousand only), with two sureties, each for a like sum to the satisfaction of the learned Executive Magistrate cum Deputy Commissioner, Pulianthope District.

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

-sd/-
18/09/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)

<https://hcservices.ecourts.gov.in/hcservices/>

High Court, Madras - 600 104.

TO

1 THE INSPECTOR OF POLICE,
LAW AND ORDER,
K-9, THIRU.VI.KA. NAGAR POLICE STATION,
CHENNAI-600 011.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE EXECUTIVE MAGISTRATE AND DEPUTY
COMMISSIONER OF POLICE,
PULIYANTHOPE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON-I, PUZHAI, CHENNAI.

+1 C.C. to M/S.S.MOHAMED ANSAR Advocate on payment of necessary
charges SR.NO.19426

Order

in
CRL MP.13422/2019
in
CRL.R.C.No.946/2019

Date :18/09/2019

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TA-24/09/2019

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