

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Second day of October Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA
CRIMINAL MISCELLANEOUS PETITION No.15061 of 2019
IN CRL.RC.NO.1119 OF 2019

ILAYARAJA @ RAJA @ RACKET RAJA [PETITIONER]

vs

1 THE FIRST CLASS EXECUTIVE [RESPONDENT]
MAGISTRATE-CUM, REVENUE DIVISIONAL OFFICER,
UDAYARPALAYAM,
ARIYALUR DISTRICT.

2 THE INSPECTOR OF POLICE,
JAYANKONDAM POLICE STATION,
JAYANKONDAM

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.1119/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence of the impugned order passed by the 1st respondent in Na.Ka.A3/2212/2019 dated 24.08.2019 under Section 122 (1)(b), pending disposal of the above Crl.R.C.[CRL.MP.NO.15061/2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.1119/2019 on the file of the High Court and upon hearing the arguments of M/S.G.KARTHIKEYAN, Advocate for the petitioner and of MR.M.MOHAMED RIYAZ, ADDL. 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 impugned order dated, 24.08.2019, passed by the 1st Respondent the First Class Executive Magistrate cum Revenue Divisional Officer, Udayarpalayam, Ariyalur District, in Na.Ka.A3/2212/2019.
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 04.03.2019, to maintain peace for a period of one year, in connection with Cr.No.228 of 2018 for the offences under Sections 110 of IPC. While so, on 20.08.2019, during the period of bond, the petitioner had committed the offences under Sections 341,

294(B), 323, 324 and 307 of IPC, based on which, a case was registered in Cr.No.228 of 2019, by the Jeyankondam Police Station. 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, Executive Magistrate cum Revenue Divisional Officer, Udayarpalayam, Ariyalur District, had conducted an enquiry and passed the impugned order, dated, 24.08.2019, in Na.Ka.A3/2212/2019, committing him to prison to undergo imprisonment for 196 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 petition 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 Inspector of Police, Jayankondam Police Station.
- ii. The Petitioner/accused shall report before the The Inspector of Police, Jaynakondam Police Station Ariyalur District, every day at 10.30 a.m., until further orders.

-sd/-

22/10/2019

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.

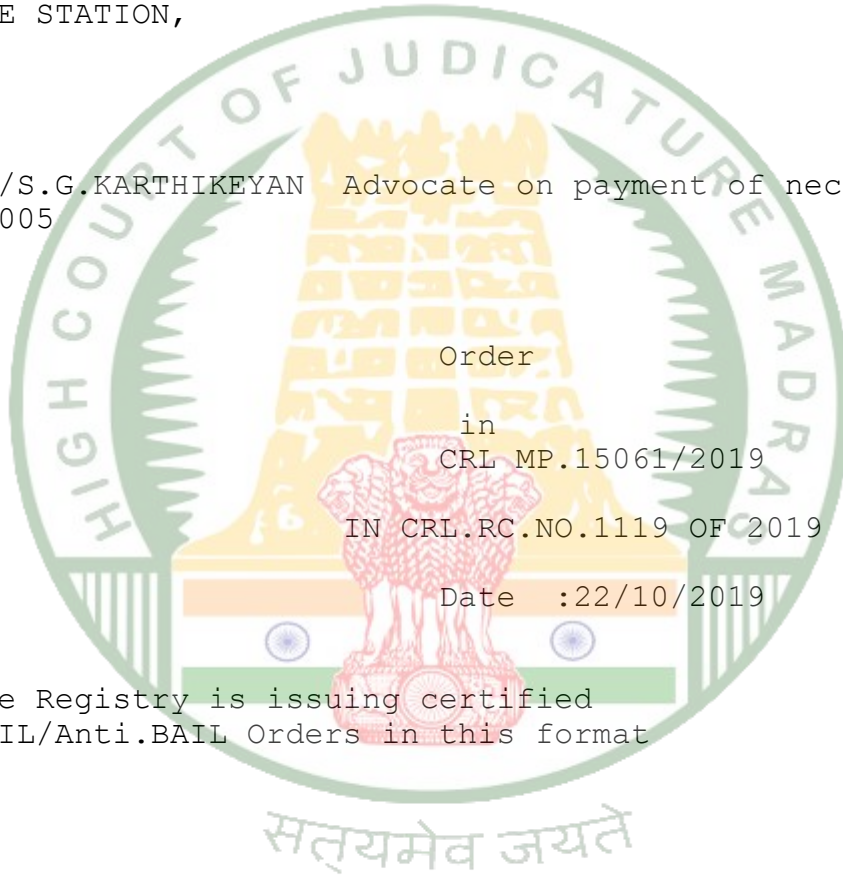
TO

1 THE FIRST CLASS EXECUTIVE
MAGISTRATE-CUM, REVENUE DIVISIONAL OFFICER,
UDAYARPALAYAM,
ARIYALUR DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
JAYANKONDAM POLICE STATION,
JAYANKONDAM ,
ARIYALUR DISTRICT

+1 C.C. to M/S.G.KARTHIKEYAN Advocate on payment of necessary
charges SR.NO. 88005



From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 22/10/2019

WEB COPY