



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Sixth day of September Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL MP(MD) No.7829 of 2019

IN

CRL RC(MD) No.647 of 2019

BALAMANI

... PETITIONER/PETITIONER/DEFENDANT

Vs

1 THE EXECUTIVE MAGISTRATE CUM DEPUTY COMMISSIONER OF POLICE,
LAW AND ORDER, MADURAI CITY ... 1st Respondent/1st Respondent

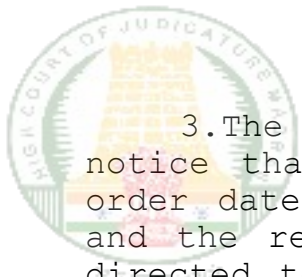
2 THE STATE REP. BY THE INSPECTOR OF POLICE
V2 AVANIYAPURAM POLICE STATION, MADURAI CITY
... 2nd Respondent/Complainant

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the order passed in M.C.756/N.S.N.A and KA.T.A/M.MA/2019 dated 20.08.2019 by the 1st respondent and enlarge the petitioner on bail till pending disposal of the above CRL.R.C(MD) No.647 of 2019.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S. K.S. DURAI PANDIAN, Advocate for the petitioner and of on behalf of the Respondents the court made the following order:-

The petitioner has been detained by the impugned order dated 20.08.2019 passed by the first respondent under Section 122 (1)(b) of Cr.P.C. The petitioner had executed a bond under Section 117 of Cr.P.C. on 30.07.2017. The case in Crime No.738 of 2019 was registered against the petitioner on 07.08.2019 for the offences under Sections 8(c), 20(b)(ii)(B) of NDPS Act, 1985 and Sections 20, 30 of Arms Act, 1959. This has been construed as breach of the bond condition. After putting the petitioner on notice, the impugned order came to be passed.

2.The question that arises for consideration is whether the Executive Magistrate concerned can exercise his power under Section 122(1)(b) of Cr.P.C., for violation of bond executed under Section 110 of Cr.P.C.



3.The learned counsel appearing for the petitioner brings to my notice that the issue has been referred to the larger Bench, by order dated 24.11.2018 made in Crl.R.C.No.982 of 2018 etc., batch and the reference is yet to be answered. Therefore, Registry is directed to tag this case along with Crl.R.C.No.982 of 2018 etc., batch. Since the reference is yet to be answered, necessarily, the order impugned in this revision case will have to be suspended. It is accordingly suspended. This miscellaneous petition is allowed.

sd/-
06/09/2019

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE EXECUTIVE MAGISTRATE CUM DEPUTY COMMISSIONER OF POLICE,
LAW AND ORDER, MADURAI CITY

2 THE INSPECTOR OF POLICE
V2 AVANIYAPURAM POLICE STATION, MADURAI CITY

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. C.C. to M/S. K.S. DURAI PANDIAN Advocate SR.No.14978

ORDER
IN
CRL MP(MD) No.7829 of 2019
IN
CRL RC(MD) No.647 of 2019
Date :06/09/2019

TR/PN/SAR-IV (09.09.2019) 2P 6C