



WEB COPY



Crl.M.P.No.464 of 2020
in
Crl.R.C.No.78 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 30/1/2023

C O R A M

THE Hon'ble Mr.Justice N. SATHISH KUMAR
a n d
THE HONBLE Mr.Justice N.ANAND VENKATESH

Crl.M.P.No.464 of 2020

in

Crl.R.C.No.78 of 2020

Devi

...

Petitioner

Vs

1. The Executive Magistrate-cum-
Deputy Commissioner of Police
St.Thomas Mount
Chennai.

2. State
The Inspector of Police (L &O))
S 11 Tambaram Police Station
Chennai 600 045.

...

Respondents

PRAYER : Petition filed under Section 397 (1) of the Criminal Procedure Code, to suspend the sentence and enlarge the petitioner on bail by order dated 3/1/2020 passed by the first respondent in Na.Ka.No.564/Exe.Mag.DC.St.T.M/2019 in S 11 Tambaram P.S.C.No.82/2019 under Section 110 of Cr.P.C., pending disposal of the revision petition.



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For Petitioner ... Mr.K.S.Kaviarasu
For respondents ... Mr.Hasan Mohammed Jinnah
State Public Prosecutor

ORDER

This petition has been filed by the petitioner, to suspend the sentence to be imposed by the Executive Magistrate-cum-Deputy Commissioner of Police, St. Thomas Mount/first respondent, in Na.Ka.No.564/Exe.Mag.DC.St.T.M/2019 in S 11 Tambaram P.S.C.No.82/2019, dated 3/1/2020.

2. Heard the learned counsel appearing on either side.

3. First respondent has passed an order, cancelling the bond executed by the petitioner, on the ground that she has violated the terms of the bond and has directed the petitioner to be detained in the prison.

4. All the cases where such orders are passed to detain, on the ground of violation of the terms of bond has been referred to this Bench and this Bench has also formulated the questions which requires an authoritative pronouncement. Since a larger issue is involved in all these cases on



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the very power and jurisdiction of the Executive Magistrates to impose punishment of imprisonment and fine, we are inclined to suspend the order passed by the first respondent and release the petitioner on bail, by imposing the following conditions:-

(i). The petitioner shall execute own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of Special Prison for Women, Central Prison, Puzhal, Chennai.

(ii). The petitioner shall appear before the second respondent Police on every Friday, at 5.30 p.m., until further orders.

(iii). The Superintendent of Special Prison for Women, Central Prison, Puzhal, Chennai, is directed to set the petitioner at liberty, if her further detention is no longer required in connection with any other case or proceedings.

(N.S.K.,J) (N.A.V.,J)
30th January 2023

mvs.



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**N.SATHISH KUMAR,J
A N D
N.ANAND VENKATESH,J**

mvs.

To

1. The Executive Magistrate-cum-
Deputy Commissioner of Police
St.Thomas Mount
Chennai.
2. The Inspector of Police (L &)
S 11 Tambaram Police Station
Chennai 600 045.
3. The Public Prosecutor
High Court, Madras
4. The Superintendent of Special Prison For Women
Central Prison
Puzhal
Chennai.

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