

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 02.07.2020
CORAM
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Crl.M.P.No.749 of 2020
in Crl.RC.No.117 of 2020

Arivazhagan

... Petitioner

Vs.

1. The Executive Magistrate cum
Deputy Commissioner of Police,
Ambattur, Chennai.

2. State rep. By
The Inspector of Police,
T9 - Pattabiram Police Station,
Chennai.

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 397 (1) of Cr.P.C. to suspend the sentence of 313 days passed by the The Executive Magistrate cum Deputy Commissioner of Police, Ambattur, Chennai dated 03.01.2020 in M.P. No.1 of 2019 in C.No.427/Sec.Pro/DC Amb/2019 in T9 - Pattabiram Police Station C.No.42/Inspr.T9 PS/Sec.Pro/2019 u/s 107 Cr.P.C., pending disposal of the above Criminal Revision Petition.

For petitioner : Mr.S.Sasikumar

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

This criminal miscellaneous petition has been filed praying to enlarge the petitioner on bail by suspending the sentence imposed in M.P. No.1 of 2019 in C.No.427/Sec.Pro/DC Amb/2019 in T9 - Pattabiram Police Station C.No.42/Inspr.T9 PS/Sec.Pro/2019 u/s 107 Cr.P.C., on the file of the learned Executive Magistrate cum Deputy Commissioner of Police, Ambattur, Chennai, pending disposal of the above appeal in Crl.RC.No.117 of 2020.

2. The petitioner was convicted for the offences under Sections 448, 354, 506 (ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act by the Executive Magistrate-cum-Deputy Commissioner of Police, Ambattur District, Chennai and sentenced to undergo imprisonment for 313 days. Aggrieved by the same, the petitioner has preferred the above appeal.

3. The learned counsel for the petitioner would submit that the first respondent passed the said order without charge and trial and he also failed to give an opportunity to the petitioner to appoint an advocate to cross examine the witnesses.

4. Heard Mr.S.Sasikumar, learned counsel appearing for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the respondents.

5. Having regard the fact that there are arguable points involved in the revision and also considering the period of incarceration already suffered by the petitioner and the revision is not likely to be taken up for final hearing in the near future, this Court is inclined to suspend the sentence imposed on the petitioner by the trial court.

6. Accordingly, the sentence of imprisonment imposed by the trial court alone is suspended and the petitioner is directed to be enlarged on bail on the following conditions.

(i) the petitioner shall execute his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the Superintendent of the concerned prison.

(ii) thereafter, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate on or before 16.07.2020, failing which the order passed by this Court shall stand dismissed.

(iii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(iv) the petitioner shall report before the respondent police daily at 10.30 a.m., from 16.07.2020 pending disposal of the criminal revision.

-sd/-
02/07/2020

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.

[*]Being mentioned as per order of this Court dated 16/07/2020

TO

**[*]1 THE SUPERINTENDENT,
CENTRAL PRISION, PUZHAI,
CHENNAI.**

2 THE SUPERINTENDENT,
SUB JAIL, THIRUVALLUR.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE EXECUTIVE MAGISTRATE CUM
DEPUTY COMMISSIONER OF POLICE,
AMBATTUR DISTRICT, CHENNAI.

5 THE INSPECTOR OF POLICE,
T9 PATTABIRAM POLICE STATION,
CHENNAI.

C.C. to M/S. S.SASIKUMAR Advocate on payment of necessary charges

Order

in
CRL MP.749/2020

in
CRL RC.117/2020

Date :02/07/2020

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