

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2020

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.MP.No.4285 of 2020
in
Crl.RC.No.543 of 2020

Vijay @ Anjappa,M/24 yrs,
S/o.Babu,
No.116, Sivaji Nagar,
7th Street, Tondiarpet,
Chennai 600 081.

... Petitioner/Respondent/Accused

-Vs-

1.State rep.by
The Inspector of Police,
H-6, R.K.Nagar Police Station,
Cheennai-21.

2.The Executive Magistrate Cum
Deputy Commissioner of Police,
New Washermenpet,
Chennai-600 081.

... Respondents/ Petitioner/Petitioner

Prayer: Criminal Miscellaneous Petition filed under Section 397(1) of the Code of Criminal Procedure, praying to enlarge the petitioner for grant of

suspension of sentence proceedings pertaining to M.P.NO.1 of 2020, in RC.No.307/Sec.Pro/DCP WPT/2019 in H6, R.K.Nagar P.S. SI.No.144/2019 for the offence under Section 107 of Cr.P.C, dated 28.02.2020, pending disposal of the above criminal revision petition.

For Petitioner : Mr.K.Manikandan.

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor.

ORDER

This Criminal Miscellaneous Petition has been filed, seeking suspension of sentence and to enlarge the Petitioner on bail, in connection with the order dated, 28.02.2020, passed by the 2nd Respondent, Executive Magistrate Cum Deputy Commissioner of Police, New Washermenpet, Chennai-600 081., in MP.No.1 of 2020 in RC.No.307/Sec.Pro/DCP WPT/2019 in H6, R.K.Nagar P.S. SI.No.144/2019 for the offence under Section 107 of Cr.P.C.

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 16.12.2019, to maintain peace for a period of one year, along with two sureties. While so, on 21.02.2020, during the period of bond, the Petitioner had committed the offences under Sections 294(b), 323, 506(ii) of IPC, based on which, a case was registered in Cr.No.13/2020, by the H-6, R.K.Nagar Police Station. Since the Petitioner/accused had violated the conditions of the earlier bail bond, dated 16.12.2019, undertaking not to involve in any crime for a period of one year, the Executive Magistrate Cum Deputy Commissioner of Police, New Washermenpet, Chennai, had passed the impugned order, dated 28.02.2020, in MP. No.01 of 2020, committing him to prison to undergo imprisonment for 297 days, under Section 122(1b) 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 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:-

(a) the Petitioner/ accused is directed to execute his own bond for a sum of Rs.10,000/- (Rupees Ten thousand only) before the Superintendent of the concerned prison;

(b) thereafter, the Petitioner/ accused shall execute two sureties for a sum of Rs.10,000/-(Rupees ten thousand only) each, before the concerned Magistrate, failing which the bail granted by this Court shall stand dismissed.

(c) The Petitioner/ accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the trial Court may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

(d) The Petitioner/ accused shall appear before the first respondent, daily at 10.30a.m. until further orders.

29.06.2020
(½)

Index : Yes / No

Internet : Yes

Speaking/Non speaking order

**Note : Issue order copy on
or before 02.07.2020**

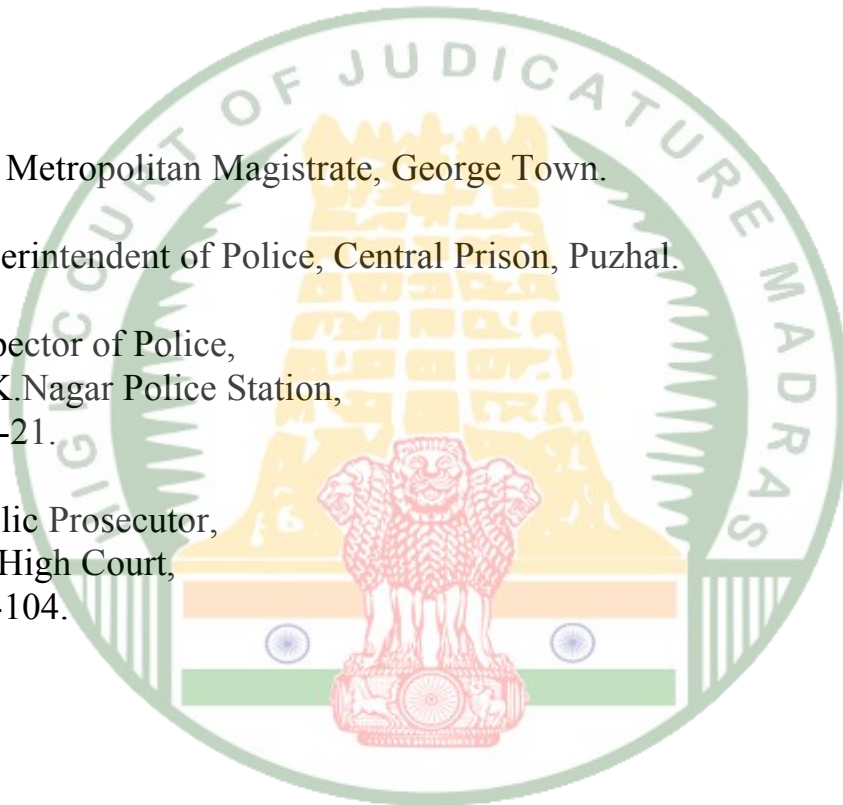
jrs

G.K.ILANTHIRAIYAN, J.

jrs

To

1. The XV Metropolitan Magistrate, George Town.
2. The Superintendent of Police, Central Prison, Puzhal.
3. The Inspector of Police,
H-6, R.K.Nagar Police Station,
Cheenai-21.
4. The Public Prosecutor,
Madras High Court,
Chennai-104.

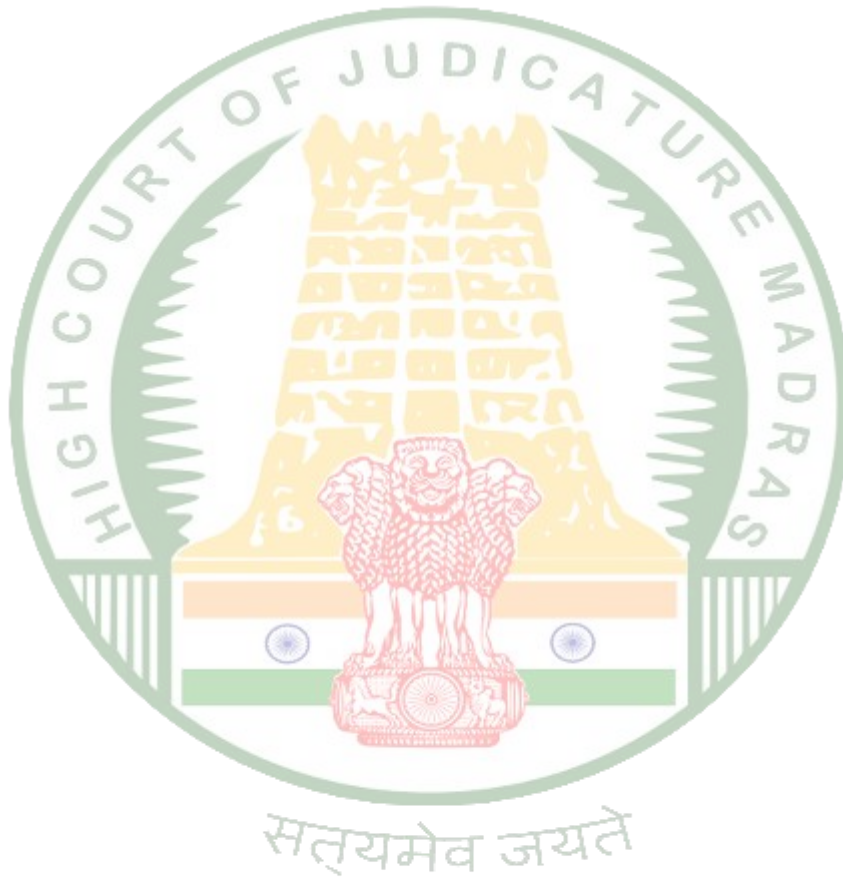


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