

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fourth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice R. MAHADEVAN

CRIMINAL MISCELLANEOUS PETITION No.18293 of 2019

IN CRL.RC.NO.1255 OF 2019

MUTHU @ THAKKALAI MUTHU

[PETITIONER]

vs

1 THE STATE BY

[RESPONDENT]

EXECUTIVE MAGISTRATE CUM DEPUTY COMMISSIONER,
MADHAVARAM POLICE STATION,
CHENNAI.

2 THE INSPECTOR OF POLICE,
M-3 PUZHAL POLICE STATION,
CHENNAI.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No. on the file of the High Court, the High Court will be pleased to suspend the sentence imposed in M.P.No.15 of 2019 in R.C.No.375/SCC.PRO/DCPMVM/2019 dated 27.09.2019 and enlarge the petition on bail pending above Crl.Revision No.1255/2019. [CRL.MP.NO.18293/2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.1255/2019 on the file of the High Court and upon hearing the arguments of M/S. A.VIJAYASANKAR Advocate for the petitioner and of MR.K.PRABAKAR ADDL. PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

As against the rejection order of security for good behaviour from habitual offenders under Section 110 Cr.P.C. and imprisonment in default of the said security under Section 122 (1) (b) Cr.P.C, passed by the first respondent / the Executive Magistrate cum Deputy Commissioner, Madhavaram, Chennai, in M.P.No.15 of 2019 in R.C.No.372/SEC.PRO/DCP.MVM/2019, on 27.09.2019, on the ground that the petitioner was found guilty for the offence under Sections 294 (b), 323, 353 and 506 (ii) of IPC in Crime No.469 of 2019 on the file of the second respondent, this Criminal Revision Case has been filed by the petitioner along with the petition seeking suspension of sentence.

2. It is the submission of the learned counsel for the petitioner/accused that before passing the impugned order, the

petitioner was not given due opportunity to cross-examine the witnesses and no documents were provided to him, which are relied upon by the first respondent; that this Criminal Revision Case is not likely to be taken up for final hearing in the near future and hence prays for suspension of sentence.

3. Heard the learned Additional Public Prosecutor on the submissions made by the learned counsel for petitioner.

4. Considering the facts and circumstances of the case and taking into account the submissions made by the learned counsel on either side, this Court is of the view that the petitioner herein can be granted the relief of suspension of sentence. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner herein is directed to be enlarged on bail on the following conditions:-

- a) The Petitioner/Accused is directed to execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties of whom, one should be a Government Servant / Officer, each for a like sum to the satisfaction of the first respondent;
- b) The Petitioner/Accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the first respondent may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities;
- c) The petitioner/accused shall give an undertaking before the first respondent that he will not indulge in any unlawful activities in future; and
- d) The Petitioner / Accused shall appear before the second respondent, daily twice, i.e., at 10.30 a.m., and 05.30 p.m., until further orders.

-sd/-

04/02/2020

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.

TO

1 THE STATE BY
EXECUTIVE MAGISTRATE CUM DEPUTY COMMISSIONER,
MADHAVARAM POLICE STATION,
CHENNAI.

<https://hcservices.ecourts.gov.in/hcservices/>

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR[FOR INFORMATION]

3 THE SUPERINTENDENT
CENTRAL PRISON, PUZHAL,
CHENNAI

4 THE INSPECTOR OF POLICE,
M-3 PUZHAL POLICE STATION,
CHENNAI.

+1 C.C. to M/S. A.VIJAYASANKAR Advocate on payment of necessary
charges SR.NO. 2159

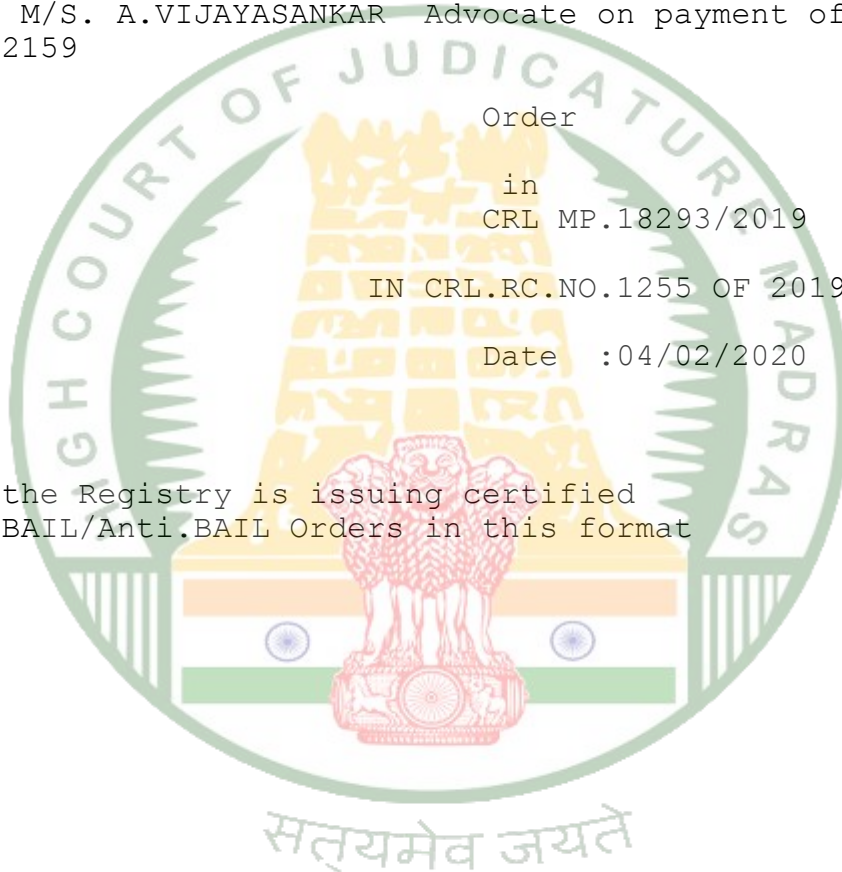
Order

in
CRL MP.18293/2019

IN CRL.RC.NO.1255 OF 2019

Date :04/02/2020

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RD 05/02/2020



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