



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

Monday, the Twenty Seventh day of January Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.489 of 2020
IN
CRL RC(MD) No.54 of 2020

SURESH

... PETITIONER/DEFENDANT

Vs

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

...1st RESPONDENT

2.THE STATE REP.BY
THE INSPECTOR OF POLICE,
C4,THHILAGAR THIDAL 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.1306/Ni.Sa.NA & KA.Tu.A/M.MA/2019 dated 20/12/2019 by the 1st respondent and enlarge the petitioner on bail till pending disposal of the above revision and thus render justice.

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

The main revision case is filed against the detention order passed by the second respondent under Section 122 (1) (b) of Cr.P.C. Pending revision, the petitioner has filed Cr.M.P.(MD)No.489 of 2020 seeking suspension of detention order and released him on bail.

2.It is submitted by the learned counsel for the petitioner that there are several infirmities and material contradictions in the detention order in M.C.1306/Ni.SA.NA and KA.DU/A/M.MA/2019 Dated 20.12.2019 passed by the first respondent and that the first respondent without giving any show cause notice had passed a

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3.It is submitted by the learned Additional Public Prosecutor appearing for the respondents that there are enough materials available on record against the petitioner and the first respondent has rightly passed the detention order and prays for dismissal of this petition.

4.This Court has carefully considered the submission made on either side and also perused the materials available on record.

5.The learned counsel for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that no reasonable opportunity was given to the petitioner before passing the impugned order of detention.

6.It is seen that the respondents were directed to file objection but they have not chosen to file any counter.

7.In view of the facts and circumstances of this case, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of the detention order passed by the first respondent.

8.Accordingly, this petition is allowed and the detention order passed by the first respondent in M.C.1306/Ni.SA.NA and KA.DU/A/M.MA/2019 Dated 20.12.2019 is suspended pending disposal of the revision and the petitioner is directed to be enlarged on bail on condition that he executes a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the Executive Magistrate/Deputy Commissioner of Police, Law & Order, Madurai District, and on further condition that the petitioner shall appear before the said Court once in fortnight at 10.30 a.m pending revision.

sd/-
27/01/2020

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/ /2020

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,
C4,THHILAGAR THIDAL POLICE STATION,

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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.1531

ORDER
IN
CRL MP (MD) No.489 of 2020
IN
CRL RC (MD) No.54 of 2020
Date :27/01/2020

DSS
TK/PN/SAR.1/28.01.2020/3P/6C