



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

Monday, the Thirteenth day of July Two Thousand Twenty

PRESENT

The Hon'ble Mrs.Justice R.THARANI

CRL MP(MD) No.2218 of 2020
IN
CRL RC(MD) No.261 of 2020

THIRUPPATHY

... PETITIONER/PETITIONER

Vs

1 THE EXECUTIVE MAGISTRATE/
DEPUTY COMMISSIONER OF POLICE (L AND O),
MADURAI CITY
M.C. NO.983/NI.SE.NA AND KA.THU.AA/MA.MAA/2019

2 THE INSPECTOR OF POLICE,
V2 AVANIYAPURAM POLICE STATION (L AND O),
MADURAI CITY. ... RESPONDENTS/RESPONDENTS

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to pass an order suspension of sentence imposed in M.C.NO.983/Ni.Se.Na and Ka.Thu.Aa/Ma.Maa/2019 dated 03/01/2020 passed by the 1st respondent and release him on bail pending CrI.R.C.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.S.MUNIYANDI, Advocate for the petitioner and of Mrs.ANANDHA DEVI, Government Advocate on behalf of the Respondents, the court made the following order:-

Heard the learned counsel for the petitioner and the learned Government Advocate (CrI.Side) for the respondent.

2. The case against the petitioner is that on 20.11.2019 at about 4.15 a.m, the petitioner along with other accused persons entered into the house of the deceased and attacked the deceased with aruval and murdered him. Subsequently, a case was registered as against the petitioner and the other accused persons in Crime No.149 of 2019. The learned Executive Magistrate cum Deputy



Commissioner of Police, Law & Order, Madurai city, issued notice to the petitioner to appear before the Executive Magistrate on 05.09.2019. After completion of enquiry, the learned Executive Magistrate cum Deputy Commissioner of Police, Law & Order, Madurai city, directed the petitioner to execute a bond and the same was complied by the petitioner. After executing the bond, the petitioner involved in a another case in Crime No.1055 of 2019 on 20.11.2019 for the offence under Sections 294 (b), 449, 427, 302 506 (ii) of IPC. After investigation in Crime No.149 of 2019, the respondent police filed a charge sheet and the petitioner was convicted by the learned Executive Magistrate/Deputy Commissioner of Police (L & O), Madurai City in M.C.No.983/Ni.Se.Na & Ka.Thu.Aa/Ma.Maa/2019, dated 03.01.2020.

3. Aggrieved over the same, the petitioner preferred this Criminal Revision petition along with the suspension of sentence application.

4. On the side of the petitioner, it stated that the relevant documents were not served on the petitioner before the commencement of the enquiry. The petitioner was not given an opportunity to cross examine the witness. The petitioner is in judicial custody for the past six months and that the petitioner may be released on bail.

5. On the side of the prosecution, it is stated that the documents were served on the petitioner and the petitioner was given sufficient opportunity to cross-examine the prosecution witnesses. After getting an adjournment, the petitioner cross examined the witnesses and that statements were recorded. The petition was issued with the show cause notice and there may not be reason to set aside the detention order.

6. Records perused.

7. From the records, it is revealed that the petitioner was in judicial custody for the past six months. There is only two months left for complying the sentence imposed against the detention order.

8. In view of the above circumstance and in the interest of justice, this Court is inclined to grant suspension of sentence till the disposal of the revision, on the petitioner executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum, of whom, one should be a blood relative to the satisfaction of the learned Executive Magistrate/Deputy Commissioner of Police (L & O), Madurai City and on further condition that:

(i) the sureties shall affix their photographs and Left Thumb Impression along with their signature in the surety bond and the learned Trial Judge may obtain a copy of their Aadhar Card or Voter I.D to ensure their



(ii) the petitioner shall appear before the said Court on all working days at 10.30 a.m until further orders.

WEB COPY

sd/-
13/07/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE EXECUTIVE MAGISTRATE/
DEPUTY COMMISSIONER OF POLICE (L AND O),
MADURAI CITY
M.C. NO.983/NI.SE.NA AND KA.THU.AA/MA.MAA/2019
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 3 THE INSPECTOR OF POLICE,
V2 AVANIYAPURAM POLICE STATION (L AND O),
MADURAI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL MP(MD) No.2218 of 2020
IN
CRL RC(MD) No.261 of 2020
Date :13/07/2020

DSS

TE/JC/SAR-II : 14/07/2020 : 3P/5C

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