



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Monday, the Twentieth day of July Two Thousand and Twenty

WEB COPY

PRESENT

The Hon'ble Mrs.Justice R.THARANI

CRL MP(MD) No.3364 of 2020 IN
CRL RC(MD) No.386 of 2020

THIRUMURUGAN @ KATTARI

... PETITIONER/PETITIONER/
DEFENDANT

Vs

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

...1stRESPONDENT/1stRESPONDENT

2. THE STATE REP. BY
THE INSPECTOR OF POLICE
B3, THEPPAKULAM POLICE STATION,
MADURAI CITY.

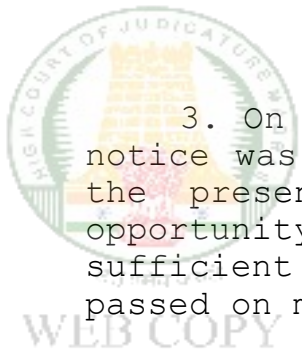
...2ndRESPONDENT/2ndRESPONDENT/
COMPLAINANT

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.1545/Ni.Sa.NA and KA.Tu.A/M.MA/2019 dated 08.06.2020 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 M/S.J.VISHNU, Advocate for the petitioner and of MRS.ANANTHA DEVI, Government Advocate on behalf of the Respondents, while admitting criminal revision case, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the order passed in M.C.No.1545/Ni.Sa.NA and KA.Tu.A/M.MA/2019, dated 08.06.2020 by the first respondent and enlarge the petitioner on bail pending the disposal of the revision.

2. On the side of the petitioner, it is stated that show cause notice was not issued to the petitioner, signature of the petitioner was not obtained in the show cause notice and an opportunity was not given to the petitioner to contest the case. In a mechanical manner, without applying the mind, the order of 110 proceedings was passed against the petitioner.



3. On the side of the prosecution, it is stated that show cause notice was given to the petitioner and an enquiry was conducted in the presence of the petitioner and the petitioner was given opportunity to cross-examine the witness and only after giving sufficient opportunity to the petitioner, the detention order was passed on merits.

4. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

5. The entire Case Diary was produced on the side of the respondent. In page No.3 of the Case Diary, the show cause notice issued to the petitioner was annexed and the petitioner has signed the show cause notice. It is seen that enquiry was adjourned to some other date and an opportunity was given to the petitioner to cross-examine the witness and that he failed to cross-examine the witness even after getting an adjournment. Only after enquiry the Executive Magistrate has given a finding in the proceedings under Section 110 Cr.P.C.

6. In the above circumstances, there is no reasons sufficient enough to entertain the suspension of sentence petition at this stage. Hence, this Criminal Miscellaneous Petition is dismissed.

sd/-
20/07/2020

/ TRUE COPY /

/ /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,
MADRURAI CITY.
2. THE INSPECTOR OF POLICE,
B3, THEPPAKULAM POLICE STATION,
MADRURAI CITY.

ORDER
IN
CRL MP(MD) No.3364 of 2020 IN
CRL RC(MD) No.386 of 2020
Date :20/07/2020

LS

<https://hservices.ecourts.gov.in/hcservices/> 29.07.2020/ 2P/3C