



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

Wednesday, the Twenty Ninth day of July Two Thousand and Twenty

PRESENT

The Hon'ble Mrs.Justice R.THARANI

CRL MP(MD) No.3304 of 2020
IN
CRL RC(MD) No.379 of 2020

MANIBARATHY

... PETITIONER/PETITIONER

Vs

1. THE SUB DIVISIONAL MAGISTRATE
CUM REVENUE DIVISIONAL OFFICER,
PUDUKKOTTAI.

2. THE STATE REP. BY
THE INSPECTOR OF POLICE,
THIRUGOKARNAM POLICE STATION,
PUDUKKOTTAI,
PUDUKKOTTAI DISTRICT.

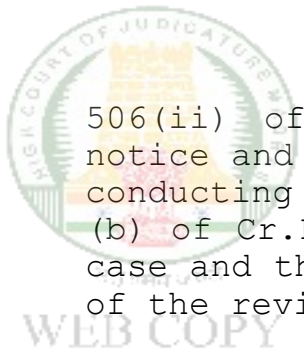
... RESPONDENTS/RESPONDENTS

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence of Imprisonment imposed by the 1st respondent in Na.Ka.No.A3/2433/2020 dated 28/05/2020, pending disposal of the Criminal Revision petition 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 G.MATHAVAN, Advocate for the petitioner and of MR.K.DINESH BABU, Additional Public Prosecutor on behalf of the Respondents, the court made the following order:-

These petition have been filed to suspend the sentence imposed by the first respondent in Na.Ka.No.A3/2433/2020 dated 28.05.2020, pending disposal of Criminal revision case.

2. On the side of the petitioner, it is stated that the petitioner executed a bond before the first respondent on 06.02.2020 in Crime No.61 of 2020 in Thirukokarnam Police Station under Section 110 of Cr.P.C. On 24.05.2020, a case was registered against the petitioner in Crime No.444 of 2020 under Section 294(b), 323 and



506(ii) of IPC. The first respondent without issuing show cause notice and without furnishing copy of relevant documents and without conducting an enquiry, passed an impugned order under Section 122(1) (b) of Cr.P.C. Against which, the petitioner has filed the revision case and that he prayed for suspension of sentence till the disposal of the revision petition.

3. On the side of the prosecution, it is stated that on the basis of the requisition letter of the second respondent, the first respondent passed the impugned order. The petitioner has two previous cases. One Crime No.113 of 2019 was registered under Sections 147, 148, 341, 294(b), 302 and 307 of IPC and the other Crime No.61 of 2020 was registered under Section 110 of Cr.P.C. It is stated that only on perusal of documents and material evidence, the impugned order was passed by the second respondent and he objected to grant suspension of sentence to the petitioner.

4. It is seen that though the petitioner involved in two more cases, no show cause notice was issued to the petitioner and no enquiry was conducted. Considering the same, this Court is inclined to grant suspension of sentence till the disposal of the revision petition, on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the first respondent and on further condition that:

(i) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.

(ii) the petitioner shall appear before the first respondent on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the appeal and if he is not able to appear before the Trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C., and shall appear before the Trial Court on any other day in lieu of the date of his absence, as directed by the Trial Court.

sd/-
29/07/2020

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



TO

1. THE SUB DIVISIONAL MAGISTRATE
CUM REVENUE DIVISIONAL OFFICER,
PUDUKKOTTAI.
2. THE SUPERINTENDENT,
CENTRAL PRISON,
TRICHY.
3. THE INSPECTOR OF POLICE,
THIRUGOKARNAM POLICE STATION,
PUDUKKOTTAI,
PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL MP (MD) No.3304 of 2020 IN

CRL RC (MD) No.379 of 2020

Date :29/07/2020

MRN

SRS/ JC/ SAR-II/ 04.08.2020/ 3P/ 5C