



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.3273 of 2020

IN

CRL RC(MD) No.375 of 2020

MOHAMED YASIN

... PETITIONER/PETITIONER

Vs

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

2. THE STATE REP. BY  
THE INSPECTOR OF POLICE,  
TOWN 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.A3/2095/2020 dated 12/05/2020, 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 has been filed to suspend the sentence imposed by the first respondent in Na.Ka.No.A3/2095/2020 dated 12.05.2020, 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 11.02.2020 and on 26.04.2020, the second respondent has initiated proceedings against the petitioner under Sections 328 and 109 of IPC. Without issuing show cause notice and without receiving a requisition letter



from the second respondent, the first respondent passed an order under Section 122(1)(b) of Cr.P.C., and 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 the petitioner was involved in an offence in Crime No.70 of 2020 in Town Police Station, Pudukkottai and has executed a bond on 11.02.2020. Subsequently, he involved in an offence of selling drugs and a case in Crime No.302 of 2020 under Sections 328 and 109 of IPC was registered by Thirukonam Police on 26.04.2020. Based on that FIR, the first respondent passed the impugned order. There are five previous cases against the petitioner and objected to grant suspension of sentence to the petitioner.

4. It is seen that the first respondent did not follow the procedures under Section 110 of Cr.P.C. There is no requisition letter issued by the second respondent. 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.



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

ORDER

IN

CRL MP (MD) No.3273 of 2020 IN

CRL RC (MD) No.375 of 2020

Date :29/07/2020

MRN

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