



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

Friday, the Thirty First day of July Two Thousand Twenty

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PRESENT

The Hon'ble Mrs.Justice R.THARANI

CRL MP(MD) No.3366 of 2020
IN
CRL RC(MD) No.387 of 2020

SANNASI @ SANNASI PANDIAN

... PETITIONER/PETITIONER/
RESPONDENT

Vs

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

... RESPONDENT/RESPONDENT/
EXECUTIVE MAGISTRATE

2 THE INSPECTOR OF POLICE,
THIRUKOGARNAM POLICE STATION,
PUDUKKOTTAI DISTRICT.
(CRIME No.60/2020)

... RESPONDENT/RESPONDENT/
COMPLAINANT

3 THE SUPERINTENDENT,
CENTRAL PRISON,
TIRUCHIRAPPALLI.

... RESPONDENT/RESPONDENT/
RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to pass an order of Interim Direction by suspend the impugned order of 1st respondent in Na.Ka.A3/2340/2020 dated 21.05.2020 and release the petitioner namely Sannasi @ Sannasi Pandian, S/o.Thavasi, aged about 30 years from the Superintendent, Central Prison, Tiruchirappalli/3rd respondent pending disposal of the Criminal Revision Petition.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of

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M/S.M.JEGADEESH PANDIAN, Advocate for the petitioner and of Mr.K.DINESH BABU, Additional Public Prosecutor on behalf of the Respondents, the court made the following order:-

This petition have been filed to grant interim direction to suspend the impugned order of the first respondent in Na.Ka.No.A3/2340/2020 dated 21.05.2020, pending disposal of Criminal revision case.

2.On the side of the petitioner, it is stated that the petitioner has executed a bond before the first respondent on 06.02.2020 in Crime No.60 of 2020 in Thirukokarnam Police Station under Section 110 of Cr.P.C. On 09.03.2020, a case was registered against the petitioner in Crime No.129 of 2020 under Sections 387 and 506(ii) of IPC. The first respondent without issuing a 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 in Crime No.113 of 2019 was registered under Sections 147, 148, 341, 294(b) 307 and 302 of IPC and the other in Crime No.129 of 2020 was registered under Section 387 and 506(ii) of IPC. 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 the grant of 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.

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sd/-
31/07/2020

/ TRUE COPY /

/ /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 INSPECTOR OF POLICE,
THIRUKOGARNAM POLICE STATION,
PUDUKKOTTAI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON,
TIRUCHIRAPPALLI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL MP(MD) No.3366 of 2020
IN
CRL RC(MD) No.387 of 2020
Date :31/07/2020

MRN
TE/JC/SAR-II : 04/08/2020 : 3P/5C