



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

Wednesday, the Sixteenth day of December Two Thousand and Twenty

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.5841 of 2020
IN
CRL RC(MD) No.622 of 2020

PARAMASIVAM

... PETITIONER/DETENU

Vs

1 THE SUB DIVISIONAL MAGISTRATE / SUB COLLECTOR,
OFFICE OF THE SUB DIVISIONAL MAGISTRATE /
SUB COLLECTOR,
KOADIKANNAL, DINDIGUL DISTRICT.

2 THE INSPECTOR OF POLICE,
KODAIKANAL POLICE STATION,
DINDIGUL DISTRICT.

3 THE SUPERINTENDENT OF PRISON,
DISTRICT JAIL, DINDIGUL DISTRICT.

... RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence passed by the Respondent No.1 in M.C.No.1/2020/A2 dated 16.09.2020 and release petitioner from Madurai Central Prison, Pending disposal of this Criminal Revision in the interest of justice.

Prayer in CRL RC(MD) No.622 of 2020:

To call for the records connected with the order passed by the Respondent No.1 in M.C.No.1/2020/A2 dated 16.09.2020 and set aside the same as illegal.

Order : This petition coming up for orders on this day, upon
<https://hccservicescourts.gov.in/hccservices/> petition filed in support thereof and upon hearing the



arguments of M/S.R.ALAGUMANI, Advocate for the petitioner and of MR.A.SARAVANA KUMAR, Government Advocate on behalf of the Respondents, the court made the following order:-

This petition has been filed to suspend the sentence imposed by the first respondent, in M.C.No.1/2020/A2 dated 16.09.2020, till the disposal of the revision.

2. Based on the report of the second respondent, the proceedings under Section 110 of Cr.P.C., was initiated by the first respondent and the petitioner executed a bond for maintaining good behavior for a period of six months. Subsequently, the petitioner involved in another offence in Crime No.1254 of 2020 under Sections 8(c) r/w. 20 (b) (ii) (B) of NDPS Act on 24.08.2020 and is in custody. Based on the report of the second respondent, the first respondent initiated proceedings under Section 122(1) (b) of Cr.P.C., and enquired the witness on 16.09.2020 and passed the impugned order to detain the petitioner. Against the impugned order, the petitioner preferred the Criminal Revision Case. Along with the revision, the petitioner has filed a petition for suspension of sentence.

3. On the side of the petitioner, it is stated that there is no statement in the impugned order regarding the service of notice to the petitioner. The copies of the document were not given to the petitioner. An opportunity for the petitioner to defend himself was not given and legal aid assistance was not given to the petitioner. Out of the six cases listed by the prosecution, sixth case is the ground case and all the other cases are prior to the year 2015 and prayed the sentence to be suspended.

4. On the side of the respondents, it is stated that the petitioner has executed a bond on 07.08.2020 and subsequently he involved in another offence on 09.09.2020. The summon was issued to the petitioner, directing him to appear before the first respondent on 16.09.2020. The enquiry was conducted in his presence and the impugned order was passed on the same date. The petitioner has to be detained from 16.09.2020 till 06.02.2021. The petitioner is having six previous cases. The history sheet in H.S.No.43 of 2020 is maintained against him and all the six cases are of similar in nature. If the sentence imposed on the petitioner is suspended, there is possibility for the petitioner to commit similar offence again and prayed the petition to be dismissed.

5. The learned counsel for the petitioner has raised substantial points in the memorandum of revision, which require a detailed consideration by this Court. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner and considering the fact that the Criminal Revision Case is not likely to be taken up for final



hearing in the near future, this Court is of the view that the petitioner herein is entitled to the relief of suspension of sentence.

6. Accordingly, the substantive sentence of imprisonment alone is suspended till the disposal of the appeal and the petitioner is ordered to be released on bail on the following conditions:

(i) the petitioner is directed to execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Judicial Magistrate, Kodaikanal ;

(ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of any valid identity proof to ensure their identity ;

(iii) the petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

sd/-
16/12/2020

/ 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 JUDICIAL MAGISTRATE,
KODAIKANAL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE SUB DIVISIONAL MAGISTRATE / SUB COLLECTOR,
OFFICE OF THE SUB DIVISIONAL MAGISTRATE /
SUB COLLECTOR,
KODAIKANAL, DINDIGUL DISTRICT.



4 THE INSPECTOR OF POLICE,
KODAIKANAL POLICE STATION,
DINDIGUL DISTRICT.

5 THE SUPERINTENDENT OF PRISON,
DISTRICT JAIL, DINDIGUL DISTRICT.

6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.R.ALAGUMANI Advocate SR.No.8240

ORDER

IN

CRL MP (MD) No.5841 of 2020

IN

CRL RC (MD) No.622 of 2020

Date :16/12/2020

MRN

JM/VR/SAR II/17.12.2020/4P/8C