

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.05.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

Crl.MP.No.5787 of 2021

in

Crl.RC.No.304 of 2021

Siva

...Petitioner

-Vs-

1.Sub-Divisional Executive Magistrate cum
Sub Collector, Kallakurichi Taluk,
Kallakurichi.

2.State Rep by
Sub-Inspector of Police,
Kanchirayapalayam Police Station,
Kallakurichi.
(Crime No.134 of 2021)

...Respondents

Criminal Miscellaneous Petition is filed under Section 397(1) of Cr.P.C. to suspend the sentence imposed in Na.ka.A3/1207/2020 dated 27.02.2021 on the file of the 1st respondent pending disposal of the main criminal revision.

For Petitioner : Mr.T.Balachandar

For Respondents : Ms.Saradha Devi
Government Advocate (Crl.Side)
for R2

ORDER

The petitioner figured as accused in Crime No.138 of 2019 on the file of the second respondent. By the order passed in Na.Ka.A3/1207/2020 dated 27.02.2021, the Sub-Divisional Executive Magistrate cum Sub Collector convicted the petitioner for the offence u/s.122(1)(b) of Cr.P.C and sentenced him to undergo simple imprisonment for the period from 05.06.2020 to 04.06.2021. Challenging the said order, the petitioner has filed the above miscellaneous petition seeking suspension of substantive sentence of imprisonment.

2. Heard the learned counsel for the petitioner.

3. The learned Additional Public Prosecutor submitted that the Court below has appreciated the entire evidence and has given elaborate reasons for passing the impugned order.

4. There are arguable points which requires a consideration in the petition and the petition cannot be taken up for hearing in the near future. Therefore, this Court is inclined to suspend the detention imposed by the impugned order.

5. The detention imposed by the first respondent vide order dated 27.02.2021 in Na.Ka.A3/1207/2020, on the file of learned Sub-Divisional Executive Magistrate cum Sub Collector is hereby suspended and the petitioner is directed to be released.

6. Accordingly, this petition is ordered.

-sd/-

06/05/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)

High Court, Madras - 600 104.

TO

1 SUB DIVISIONAL EXECUTIVE MAGISTRATE CUM SUB COLLECTOR, KALLAKURICHI TALUK, KALLAKURICHI

2 THE CHIEF JUDICIAL MAGISTRATE VILLUPURAM(FOR INFORMATION)

3 THE SUB INSPECTOR OF POLICE, KACHIRAYAPALAYAM POLICE STATION, KALLAKURICHI DISTRICT

4 THE PUBLIC PROSECUTOR HIGH COURT, MADRAS.

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5 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

C.C. to M/S.T.BALACHANDAR Advocate on payment of necessary
charges Sr.6064

Order

in
CRL MP.5787/2021

in
Crl.RC.No.304 of 2021
Date :06/05/2021

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

RVR 12/05/2021



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