



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Third day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION No.7074 of 2021

IN CRL.R.C.No.433 of 2021

A.SAKTHIVEL

[PETITIONER]

Vs

1 THE EXECUTIVE MAGISTRATE AND THASILDHAR
PERUR TALUK, PERUR,
COIMBATORE DISTRICT.

[RESPONDENTS]

2 THE INSPECTOR OF POLICE
VADAVALLI POLICE STATION,
COIMBATORE.

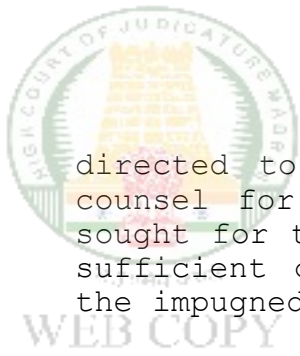
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) To suspend the order of detention dated 09/07/2021 passed in Na.Ka.1997/2021/A2 by the Executive Magistrate and Thasildhar of Perur Taluk, Perur Coimbatore District, pending disposal of the above Crl.R.C.No.433 of 2021.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.C.D.SUGUMAR, Advocate for the petitioner, and of MR.S.SUGENDRAN, GOVERNMENT ADVOCATE [CRL. SIDE] on behalf of the Respondents, the court made the following order:-

This Criminal Miscellaneous petition has been filed seeking to suspend the order of detention dated 09.07.2021 passed in Na.Ka.1997/2021/A2 by the Executive Magistrate and Tahsildar of Perur Taluk, Perur, Coimbatore District, pending disposal of the Criminal Revision Petition.

2. Learned Counsel for the petitioner submits that first respondent, without affording sufficient opportunity to the petitioner, has passed the impugned order. The petitioner was directed appear before the respondent on 05.03.2021 and he was compelled to execute a bond. Subsequently, on 16.05.2021, a false case was registered against the petitioner and the petitioner was



directed to appear for enquiry on 06.07.2021. On that day, the counsel for the petitioner had appeared before the respondent and sought for time. Once again, the first respondent without affording sufficient opportunity to defend the petitioner's case, had passed the impugned order. No witnesses have been examined in this case.

3. Mr.S.Sugendiran, learned Government Advocate (Criminal Side) appearing for the respondent submits that after having executed the bond, the petitioner had involved in two cases for the offence under the NDPS Act. Thereby, the petitioner was directed to appear before the first respondent on 06.07.2021. On that day, the petitioner's counsel had appeared. Since the petitioner did not appear, the first respondent has passed the impugned order.

4. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel on either side, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Revision, the substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be enlarged on bail, on the following conditions:-

- i. The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate No.VI, Coimbatore.
- ii. The petitioner shall appear before the second respondent everyday at 5.30 p.m., until further orders.

5. This Criminal Miscellaneous Petition stands ordered accordingly.

-sd/-
23/11/2021

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 THE JUDICIAL MAGISTRATE,
NO.VI, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE EXECUTIVE MAGISTRATE AND THASILDHAR,
PERUR TALUK, PERUR,
COIMBATORE DISTRICT.



4 THE INSPECTOR OF POLICE
VADAVALLI POLICE STATION,
COIMBATORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

+1 C.C. to M/S.C.D.SUGUMAR Advocate on payment of necessary
charges SR.NO.13298

Order

in
CRL MP.7074/2021
in
CRL RC.433/2021

Date :23/11/2021

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TA-25/11/2021