



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Sixth day of November Two Thousand Twenty One

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.11212 of 2021

IN CRL.R.C.688/2021

VINOTHKUMAR

[PETITIONER/ACCUSED]

Vs

1 THE SUB DIVISIONAL EXECUTIVE
MAGISTRATE, REVENUE DIVISIONAL OFFICER,
VANIYAMBADI, THIRUPATHUR DISTRICT.

[RESPONDENT/COMPLAINANT]

2 STATE REP BY
THE INSPECTOR OF POLICE,
AMBUR TALUK POLICE STATION,
THIRUPATHUR DISTRICT.

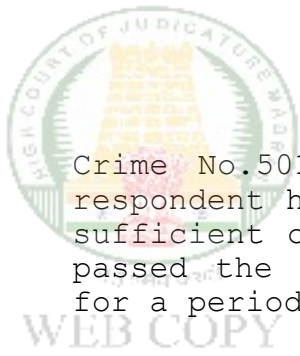
[RESPONDENT/COMPLAINANT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Suspend the sentence passed in M.C.No.A-3, 3185/2021 dated 07.10.2021 by the first respondent Learned Sub Divisional Executive Magistrate Revenue Divisional Officer, Vaniyambadi Thirupathur district pending of CRL.RC.NO.688/2021. (INCRL.MP.NO.11212/2021)

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of MR.M.P.YUVARAJ Advocate for M/S SWAMISUBRAMANIAN, Advocate for the Petitioner and of MR.S.SUGENDRAN Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

This Criminal Miscellaneous Petition has been filed by the Petitioner/Accused, seeking suspension of sentence passed in M.C.No.A-3.3185/2021 dated 07.10.2021, by the first respondent, the learned Sub-Divisional Executive Magistrate, Revenue Divisional Officer, Vaniyampadi, Thirupathur District, pending disposal of the Criminal Revision Petition.

2. Learned counsel for the petitioner would submit that the petitioner was summoned by the first respondent on 17.09.2021 and he was under compulsion, directed to execute a bond under section 110 Cr.P.C., The petitioner was not even afforded any opportunity before being compelled to execute a bond and immediately on the next day, the second respondent has registered a case against the petitioner in



Crime No.501 of 2021 and when the petitioner was in custody, the respondent had initiated proceedings and once again without affording sufficient opportunity to defend his case, the first respondent had passed the impugned order, directing the petitioner to be detained for a period of one year from 17.09.2021 to 16.09.2022.

3. Learned counsel for the petitioner would further submit that the entire proceedings adopted by the respondents are illegal and he seeks suspension of sentence.

4. Mr.S.Sugendran, learned Government Advocate (Criminal Side) appearing for the respondents would submit that the petitioner had executed a bond under section 110 Cr.P.C., on 17.09.2021. Immediately on the next day, he has involved in case in Crime No.501 of 2021 which was registered by the second respondent for the offence under sections 379, 430 of I.P.C. R/w 21 of Mines and Minerals Act. Thereafter, when the petitioner was in custody, he was summoned and after following due procedures, the petitioner was directed to be detained.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondents and perused the materials.

6. 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 sentence of imprisonment can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Revision Case, suspension of sentence and bail are granted, 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, Ambur, Thirupathur District.
- ii. The petitioner shall appear before the second respondent every day at 5.30 p.m., until further orders.

7. The Criminal Miscellaneous Petition is ordered accordingly.

-sd/-
26/11/2021

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.



1 THE SUB DIVISIONAL EXECUTIVE MAGISTRATE,
REVENUE DIVISIONAL OFFICER,
VANIYAMBADI, THIRUPATHUR DISTRICT.

2 THE INSPECTOR OF POLICE,
AMBUR TALUK POLICE STATION,
THIRUPATHUR DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SECTION OFFICER,
CRIMINAL SECTION,
HIGH COURT, MADRAS.

+1C.C. to M/S SWAMISUBRAMANIAN Advocate on payment of necessary
charges SR.NO.13518

Order
in
CRL MP.11212/2021
in
CRL RC.688/2021
Date :26/11/2021

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

CSK 26/11/2021