



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fourteenth day of December Two Thousand Twenty One

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.12630 of 2021

IN CRL RC.913/2021

THULASIRAMAN

[PETITIONER]

Vs

1 THE SUB DIVISIONAL MAGISTRATE
AND REVENUE DIVISIONAL OFFICER,
KANCHEEPURAM , KANCHIPURAM DISTRICT.

[RESPONDENTS]

2 THE INSPECTOR OF POLICE
B-4, BALUCHETTYCHATIRAM POLICE STATION,
KANCHEEPURAM , KANCHIPURAM DISTRICT.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL RC.913/2021 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed by the 1st respondent in Na.Ka.1476-2/2021/A1 dated 07.09.2021 and enlarge the petitioner on Bail, pending disposal of the CRL RC.913/2021 IN CRL.MP.NO.12630/2021.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL RC.913/2021 on the file of the High Court and upon hearing the arguments of MR. A.SARANRAJ, 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 seeking to suspend the sentence of imprisonment imposed on the petitioner in Na.Ka.No.1476-2/2021/A1, dated 07.09.2021 passed by the 1st respondent and to enlarge the petitioner on bail, pending disposal of the Criminal Revision Case.

2. The petitioner has been detained for violation of a bond executed by him under Section 104 of Cr.P.C., for which the 1st respondent has passed an impugned order under Section 122(1)(b) of Cr.P.C., in Na.Ka.No.1476-2/2021/A1, dated 07.09.2021.

3. The learned counsel for the petitioner would submit that the petitioner was summoned by the 1st respondent on 18.06.2021 to appear before him and without affording any opportunity, the petitioner was



compelled to execute a bond to maintain public Order for a period of one year and thereafter the second respondent had registered a false case against the petitioner in Crime No.844 of 2021 under Sections 341, 294 (b) and 398 of IPC and when the petitioner was produced before the 1st respondent, without affording sufficient opportunity, the 1st respondent has passed the impugned order. The learned counsel would further submit that the order has been passed mechanically and without following the procedures, the 1st respondent had detained the petitioner, which affects the fundamental rights of the petitioner.

4. The learned counsel for the petitioner would further submit that this court in *Devi Vrs Executive Magistrate cum Deputy Commissioner of Police* in Crl.R.C.N.78 of 2020, had doubted the Powers of the Magistrate in detaining the persons, invoking the proceedings under Chapter 8 of the Cr.P.C., had referred the case to a larger bench.

5. The respondent has filed counter. Mr.S.Sugendran, learned counsel appearing for the respondent would submit that the petitioner had earlier executed a bond to maintain public order for a period of one year and thereafter indulged in activities prejudice to the maintenance of the public order.

6. Heard the learned counsel for the petitioner/accused and the learned Government Advocate (Crl.Side) appearing for the respondent and perused the materials on record.

7. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner, 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 reliefs of 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 learned Judicial Magistrate No.I, Kancheepuram.

ii.The petitioner shall appear before the 2nd respondent everyday at 05.30 p.m., until further orders.



9. The Criminal Miscellaneous Petition stands ordered accordingly.

WEB COPY

-sd/-
14/12/2021

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.I, KANCHEEPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE SUB DIVISIONAL MAGISTRATE AND
REVENUE DIVISIONAL OFFICER, KANCHEEPURAM ,
KANCHIPURAM DISTRICT.

4 THE INSPECTOR OF POLICE
B-4, BALUCHETTYCHATIRAM POLICE STATION,
KANCHEEPURAM , KANCHIPURAM DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1C.C. to M/S. A.SARANRAJ Advocate on payment of necessary charges SR.NO.14743

Order
in
CRL MP.12630/2021
in
CRL RC.913/2021
Date :14/12/2021

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