



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

Monday, the Nineteenth day of April Two Thousand and Twenty One

PRESENT

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The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.3160 of 2021

in

CRL.R.C(MD)No.210 of 2021

S.MURUGESAN

... PETITIONER/PETITIONER

Vs

1 THE SUB DIVISIONAL MAGISTRATE AND
REVENUE DIVISIONAL OFFICER,
TENKASI, TENKASI DISTRICT.

2 THE INSPECTOR OF POLICE,
UTHUMALAI POLICE STATION,
TENKASI DISTRICT.

... RESPONDENTS/RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to pass an order to suspend the sentence imposed by the 1st Respondent bearing No Nil dated 15.12.2020 and enlarge the petitioner on bail pending disposal of the Criminal Revision petition.

Prayer in CRL.R.C(MD)No.210 of 2021:

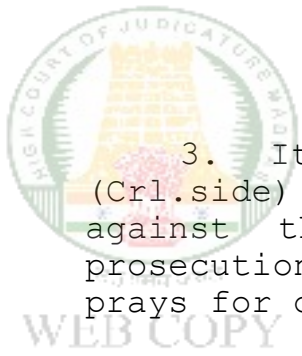
To call for the records on the file of the 1st respondent bearing No.Nil dated 15.12.2020 and set aside the same and to release the petitioner from Central Prison, Palayamkottai.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.SIVAKUMAR S, Advocate for the petitioner and of MR.A.ROBINSON, Government Advocate (Crl. Side) on behalf of the Respondents, the court made the following order:-

The petitioner has filed to suspend the sentence and release the petitioner on bail against the order passed by the the first respondent/The Sub-Divisional Magistrate/Revenue Divisional officer, Tenkasi, Tenkasi District, in M.C.No.49 of 2020, dated 15.12.2020.

2.The learned counsel appearing for the petitioner submits that the circular memorandum issued by the Director General of Police in R.C.No.225463/A&R-2/2014, dated 19.06.2014 has not been followed and, therefore, the petitioner is wrongfully detained and he is

<https://hcmvtsd.judg.gov.in/hcmvtsd>



3. It is submitted by the learned Government Advocate (Crl.side) that there are enough materials available on record against the petitioner as per the evidence adduced by the prosecution and there is no infirmity in the prosecution case and prays for dismissal of this petition.

4. This Court gave its careful consideration to the submissions on either side and also perused the materials available on record.

5. The learned counsel for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal revision and further the criminal revision is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

6. Accordingly, the miscellaneous petition is allowed and the order of detention passed by the 1st respondent against the petitioner herein in proceedings dated 15.12.2020 under Section 122 (1)(b) of Cr.P.C. stands suspended pending disposal of the revision and the petitioner is directed to be enlarged on bail on condition that 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 Sub-Divisional Magistrate/Revenue Divisional Officer, Tenkasi, and on further condition that the petitioner shall appear before the said Court daily at 10.30 a.m. pending revision.

sd/-
19/04/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE SUB DIVISIONAL MAGISTRATE AND
REVENUE DIVISIONAL OFFICER,
TENKASI, TENKASI DISTRICT.

2 THE INSPECTOR OF POLICE,
UTHUMALAI POLICE STATION,
TENKASI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL JAIL PRISON,
PALAYAMKOTTAI.

<https://hcservices.gov.in/Pc1504>



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

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ORDER
IN
CRL MP (MD) No.3160 of 2021
in
CRL.R.C (MD) No.210 of 2021
Date :19/04/2021

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JM/VR/SAR I/21.04.2021/3P/5C