



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

Monday, the Twenty Third day of August Two Thousand and Twenty One
PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

WEB COPY

CRL MP (MD) No.4131 of 2021
in
CRL RC (MD) No.402 of 2021

THAVAMANI

... PETITIONER/PETITIONER

Vs

1 THE SUB DIVISIONAL MAGISTRATE/
THE REVENUE DIVISIONAL OFFICER,
OFFICE OF THE REVENUE DIVISIONAL OFFICER,
NAGAPATTINAM TALUK,
NAGAPATTINAM DISTRICT.

2 THE INSPECTOR OF POLICE,
PROHIBITION ENFORCEMENT WING,
NAGAPATTINAM DISTRICT.

3 THE SUPERINTENDENT OF PRISON,
TRICHY CENTRAL PRISON,
TRICHY DISTRICT.

... RESPONDENTS/RESPONDENTS

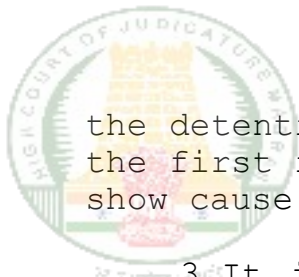
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence passed by the Respondent no.1 in M.C.NO.05/2021/A3 dated 04/06/2021 and release the petitioner now confining at Trichy Central Prison, pending disposal of this Criminal Revision Case.

Prayer in CRL RC (MD). 402/ 2021 :

To call for the records connected with the order passed by the Respondent No.1 in M.C.No.05/2021/A3 dated 04/06/2021 and set aside the same as illegal.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.ALAGUMANI.R., Advocate for the petitioner and of MR.RMS.SETHURAMAN, Counsel for the state (Criminal Side) for the respondents the court made the following order:-

This petition is filed to suspend the sentence passed by the first respondent in M.C.No.05/2021/A3, dated 04.06.2021 and release the petitioner now confining at Trichy Central Prison, pending disposal of the Criminal Revision Case.



the detention order in M.C.No.05/2021/A3, dated 04.06.2021 passed by the first respondent and that the first respondent without going any show cause notice had passed a mechanical order of detention.

3. It is submitted by the learned counsel for State Government (Crl. side) appearing for the respondents that there are enough materials available on record against the petitioner and the 1st respondent has rightly passed the detention order and prays for dismissal of this petition.

4. This Court has carefully considered the submission made on either side and also perused the materials available on record.

5. The learned counsel appearing for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that no reasonable opportunity was given to the petitioner before passing the impugned order of detention.

6. In view of the facts and circumstances of this case, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of the detention order passed by the 1st respondent.

7. Accordingly, this petition is allowed and the detention order passed by the first respondent in M.C.No.05/2021/A3, dated 04.06.2021 is suspended pending disposal of the revision on the following conditions:-

(i) The respondent police is directed to forfeit a sum of Rs.5,000/- (Rupees Five thousand only) from the petitioner and deposit to the credit of M.C.No.05/2021/A3, on the file of the Sub Divisional Magistrate/The Revenue Divisional Officer, Nagapattinam Taluk, Nagapattinam District, within a period of two weeks from the date of receipt of a copy of this order;

(ii) On such deposit, the petitioner is directed to be enlarged on bail on condition that he executes 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, Nagapattinam;

(iii) and on further condition that the petitioner shall appear before the said Court daily at 10.30 a.m pending revision.

Sd/-
23/08/2021

/ TRUE COPY /

/ /2021

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



TO

1 THE JUDICIAL MAGISTRATE,
NAGAPATTINAM DISTRICT.

2 DO THOROUGH THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM DISTRICT

3 THE SUB DIVISIONAL MAGISTRATE/
THE REVENUE DIVISIONAL OFFICER,
OFFICE OF THE REVENUE DIVISIONAL OFFICER,
NAGAPATTINAM TALUK, NAGAPATTINAM DISTRICT.

4 THE INSPECTOR OF POLICE
PROHIBITION ENFORCEMENT WING,
NAGAPATTINAM DISTRICT

5 THE SUPERINTENDENT OF PRISON,
TRICHY CENTRAL PRISON,
TRICHY DISTRICT.

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

ORDER

IN

CRL MP (MD) No.4131 of 2021

IN

CRL RC (MD) No.402 of 2021

Date :23/08/2021

GC/JM/SAR-III/24/08/2021/3P/7C