



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

Tuesday, the Twenty First day of September Two Thousand and
Twenty One

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PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.6271 of 2021
in CRL.R.C.(MD)No.562 of 2021

SATHISH KUMAR

... PETITIONER/ DETENU

Vs

1 THE FIRST CLASS EXECUTIVE MAGISTRATE/
THE REVENUE DIVISIONAL OFFICER,
O/O. REVENUE DIVISIONAL OFFICER,
KARUR TALUK, KARUR DISTRICT.

2 THE INSPECTOR OF POLICE,
PASUPATHIPALAIYAM POLICE STATION, KARUR DISTRICT.

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

... RESPONDENTS

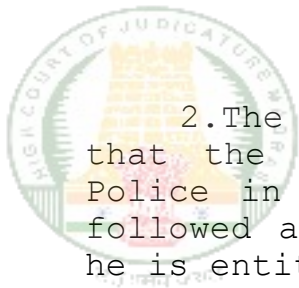
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the sentence passed by the Respondent No.1 in Na.Ka.A1/2413/2021 dated 23.07.2021 and release the petitioner's husband named Sathish Kumar S/o. Sekar @ Karadi Sekar, aged about 31 years now confining at Trichy Central Prison, pending disposal of this Criminal Revision.

PRAYER IN CRL.R.C. (MD)No.562 of 2021:

To call for the records connected with the order passed by the Respondent No.1 in Na.Ka.A1/2413/2021 against the petitioner named Sathish Kumar S/o. Sekar @ Karadi Sekar, aged about 31 years 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 Mr.K.DINESH BABU, Advocate for Mr.K.M.KARUNAKARAN, Advocate for the petitioner and of Mr.RMS.SETHURAMAN, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This petition is filed to suspend the sentence passed by the first respondent in Na.Ka.A1/2413/2021, dated 23.07.2021 and release the petitioner now confining at Trichy Central Prison, pending disposal of the Criminal Revision Case.



2.The learned counsel appearing for the petitioner submitted 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 entitled to be enlarged on bail.

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3.The learned Additional Public Prosecutor appearing for the respondents submitted 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 Na.Ka.A1/2413/2021, dated 23.07.2021 is suspended pending disposal of the revision on the following conditions:-

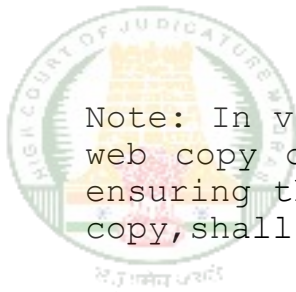
(i) the petitioner is directed to be enlarged on bail on condition that he executes a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.1, Karur District;

(ii) and on further condition that the petitioner shall appear before the said Court once in a week i.e., on the first working day of every week at 10.30 a.m. pending revision.

sd/-
21/09/2021

/ TRUE COPY /

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



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.I, KARUR DISTRICT.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.

3. THE FIRST CLASS EXECUTIVE MAGISTRATE/
THE REVENUE DIVISIONAL OFFICER,
O/O. REVENUE DIVISIONAL OFFICER,
KARUR TALUK, KARUR DISTRICT.

4. THE INSPECTOR OF POLICE,
PASUPATHIPALAIYAM POLICE STATION, KARUR DISTRICT.

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

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

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-6400[I] dated 21/09/2021)

ORDER

IN

CRL MP(MD) No.6271 of 2021 in
CRL.R.C.(MD)No.562 of 2021

Date :21/09/2021

VSD

MS/PN/SAR-4/22.09.2021/3P.8C