



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.05.2022

CORAM

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.6948 of 2022

in

Crl.R.C.No.659 of 2022

Stephan Raj

... Petitioner

Vs.

1.The Executive Magistrate cum Deputy Commissioner,
Madhavaram District, Chennai

2.The State represented by
The Inspector of Police (Law & Order),
M3, Puzhal Police Station,
Chennai 600 066

... Respondents

PRAYER: The Criminal Miscellaneous Petition is filed under Section 397(1) of Cr.P.C., to suspend the conviction and sentence order dated 04.05.2022 under Section 122(1)(b) of Cr.P.C. in MP.No.4 of 2022 in RC.No.20/Sec. Pro/DCP-MVM/2022 in M-3, Puzhal P.S., S.I.No.27/2022 under Section 110 of Cr.P.C. (on the file of the Executive Magistrate cum Deputy Commissioner, Washermenpet District) to undergo simple imprisonment of 330 days and to enlarge the petitioner on bail.

For Petitioner : Mr.M.Illiyas

For Respondents : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

O R D E R

This Criminal Miscellaneous Petition has been filed by the petitioner/Accused, seeking to suspend the conviction and sentence order dated 04.05.2022 under Section 122(1)(b) of Cr.P.C. in MP.No.4 of 2022 in RC.No.20/Sec. Pro/DCP-MVM/2022 in M-3, Puzhal P.S., S.I.No.27/2022 under Section 110 of Cr.P.C. (on the file of the Executive Magistrate cum Deputy Commissioner, Washermenpet District) to undergo simple imprisonment of 330 days and to enlarge the petitioner on bail.

2. Upon considering the order passed by the first respondent, whereby the petitioner is now required to undergo the remaining



period of sentence of 330 days as per Section 122(1) (b) of Cr.P.C., and the ground raised by the petitioner in the revision is that the first respondent did not even consider the fact as to whether the Sub Inspector of Police, Madhavaram had registered the First Information Report or not and the other grounds raised in the criminal revision, I am inclined to hold that prima facie case is made out to grant relief as prayed for by the petitioner.

3. Therefore, the sentence imposed by the order dated 04.05.2022 stands suspended until disposal of this Criminal Revision, with the following conditions:-

(a) The petitioner is ordered to be released on bail, on his executing 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 Court, Madhavaram.

(b) The petitioner and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

(c) The petitioner shall report before the second respondent Police daily at 5.00 p.m., until further orders.

4. Hence, the Criminal Miscellaneous Petition is ordered to the extent of granting Suspension of Sentence. The Superintendent, Central Prison, Puzhal is directed to set the petitioner at liberty, if his further detention is no longer required in connection with any other case or proceedings.

5. The Criminal Miscellaneous Petition is ordered accordingly.

-sd/-

26/05/2022

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 JUDICIAL MAGISTRATE,
MADHAVARAM

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI,
CHENNAI

4 THE EXECUTIVE MAGISTRATE CUM
DEPUTY COMMISSIONER,
MADHAVARAM DISTRICT, CHENNAI

5 INSPECTOR OF POLICE (LAW AND ORDER),
M-3 PUZHAI POLICE STATION,
CHENNAI 600 066

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

C.C. to M/S.M.ILLIYAS Advocate on payment of necessary charges

Order

in
CRL MP.6948/2022

in
CRL RC.659/2022

Date :26/05/2022

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RVR 27/05/2022