



IN THE HIGH COURT OF JUDICATURE AT MADRAS  
( Criminal Jurisdiction )

Monday, the Twenty First day of February Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr Justice N.SESHASAYEE

CRIMINAL MISCELLANEOUS PETITION No.13862 of 2021

IN CRL RC.1053/2021

MAGU @ MAHENDRAN

[ PETITIONERS ]

Vs

1 THE SUB DIVISIONAL MAGISTRATE CUM  
REVENUE DIVISIONAL OFFICER, SIRKAZHI.

[ RESPONDENTS ]

2 THE STATE REP BY  
THE INSPECTOR OF POLICE,  
SEMBANAR KOVIL, SIRKAZHI.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.RC.No.1053/2021 on the file of the High Court, the High Court will be pleased to suspend the sentence of order dated 27.10.2021 passed by the 1st respondent in M.C.No.105/2021/A2, pending disposal of the above CRL.RC.No.1053/2021.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.RC.No.1053/2021 on the file of the High Court and upon hearing the arguments of M/S.K.M.VIJAYAN ASSOCIATES, Advocate for the petitioner and of MR.LEONARD ARUL JOSEPH SELVAM, Govt. Advocate (Crl. Side) on behalf of the Respondents(1 & 2) the court made the following order:-

This Criminal Miscellaneous Petition has been filed by the petitioner/accused, seeking suspension of sentence imposed on him by order dated 27.10.2021 in M.C.No.105 of 2021 by the Sub Divisional Magistrate-cum-Revenue Divisional Officer, Sirkazhi.

2. The case of the prosecution is that the petitioner executed a bail bond under Section 110 Cr.P.C to maintain peace for a period of one year. During the said bond period, the petitioner/accused of involving in another case, based on which, the second respondent police registered a case against the petitioner in Crime No.850 of 2021 for the offences punishable under Sections 294(b), 427 and 506(ii) IPC. The first respondent, after enquiry, passed the impugned order on 27.10.2021 and the petitioner was arrested and remanded to judicial custody on the same day. Challenging the same, the present Revision has been filed.



3. This Court heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and also perused the materials placed on record.

4. According to the learned counsel for the petitioner/accused, there are arguable points available in the Criminal Revision Case, and the petitioner/accused has got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the Petitioner/Accused may be suspended.

5. 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 Case, the reliefs of suspension of sentence is granted on the following conditions:

(a) The petitioner/accused is ordered to be released on bail, on condition that he 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.II, Mayiladuthurai.

(b) The petitioner/accused 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 appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the revision petition and if he is not able to appear before the Trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C and shall appear before the Trial Court on any other day in lieu of the date of his absence, as directed by the Trial Court.

6. This Criminal Miscellaneous Petition stand ordered accordingly.

-sd/-

21/02/2022

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.



TO

1 THE JUDICIAL MAGISTRATE,  
NO. II, MAYILADUTHURAI

2 THE CHIEF JUDICIAL MAGISTRATE  
NAGAPATTINAM (FOR INFORMATION)

3 THE SUB DIVISIONAL MAGISTRATE  
CUM REVENUE DIVISIONAL OFFICER,  
SIRKAZHI

4 THE INSPECTOR OF POLICE,  
SEMBANARKOVIL, SIRKAZHI.

5 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

6 THE SUPERINTENDENT,  
CENTRAL PRISON, TRICHY

C.C. to M/S.K.M.VIJAYAN ASSOCIATES Advocate on payment of  
necessary charges Sr.2696

Order

in  
CRL MP.13862/2021

in  
CRL RC.1053/2021

Date :21/02/2022

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

RVR 24/02/2022