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CRL MP(MD)



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

Friday, the Eighth day of July Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.6223 of 2022

IN

CRL RC(MD) No.884 of 2021

RAVIKUMAR @ DOG RAVI

... PETITIONER/PETITIONER

Vs

1 THE DEPUTY COMMISSIONER OF POLICE,
(LAW AND ORDER), MADURAI CITY.
CUM EXECUTIVE MAGISTRATE.

2 THE INSPECTOR OF POLICE
C-3, S.S COLONY POLICE STATION,
MADURAI CITY.

... 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 imposed in MC No.239/நி.செ.ந. & கா.து.ஆ/ம.மா2021 dated 25/10/2021 on the file of 1st Respondent and enlarge the Petitioner on bail till the disposal of the Revision.

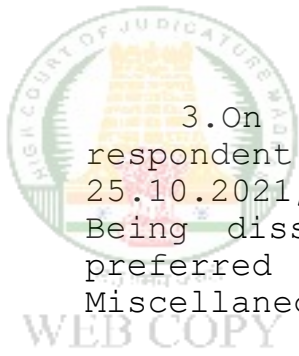
Prayer in CRL RC(MD) .884/2021 :

To call for the records of the 1st respondent in M.C.No.239/நி.செ.ந. & கா.து.ஆ/ம.மா2021 dated 25.10.2021, and set aside the same.

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.GOPALA KRISHNA LAKSHMANA RAJA, Senior Counsel for M/S.RISHWANTH S G L, Advocate for the petitioner and of MR.R.MEENAKSHI SUNDARAM, Additional Public Prosecutor on behalf of the Respondents, the court made the following order:-

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed by the first respondent in M.C.No.239/Ni.Che.N. and Ka.Thu.Aa/M.Ma/2021, dated 25.10.2021.

2.In M.C.No. 239 of 2021, the petitioner was ordered to execute a bond for a sum of Rs.1 Lakh along with two sureties on 09.03.2021 and accordingly, the same was executed by him on the same day. Subsequently, the petitioner was allegedly involved a case in Crime No.493 of 2021 for the offence under Sections 341, 294(b), 323 and 506(ii) IPC on the file of the Chinnalapatti Police Station and he was arrested on 18.10.2021 and was remanded to judicial custody.



3. On the requisition of the second respondent, the respondent conducted an enquiry and passed the impugned order, dated 25.10.2021, directing to detain the petitioner till 08.03.2023. Being dissatisfied with the impugned order, the petitioner has preferred the present criminal revision along with Criminal Miscellaneous Petition seeking suspension of sentence.

4. The learned counsel for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent would submit that two learned Judges of this Court have referred the issue of applicability of Section 122(1)(b) of Cr.P.C to good behaviour bond under Section 110 of Cr.P.C to a larger Bench in their orders passed on 24.11.2018 in CrI.O.P. No.982 of 2018 and Batch and on 25.09.2020 in CrI.R.C.No.78 of 2020 respectively and that the matter is now pending before the Division Bench of this Court headed by the Hon'ble Mr. Justice. M. DURAISAMY, in the Principal Seat and the same stands posted to 27.07.2022.

5. The learned counsel appearing for the petitioner submitted that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

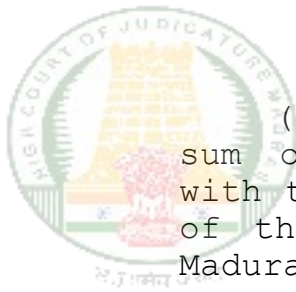
6. It is evident from the records that the petitioner's earlier two applications for suspension of sentence were dismissed by this Court vide orders, dated 13.12.2021 and 23.02.2022. The petitioner has now come forward with the third application for suspension of sentence.

7. The learned counsel appearing for the respondent submitted that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence.

8. This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

9. 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 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 the reference is pending, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

10. Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:-



(i) the petitioner is directed to execute a bond for sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the Deputy Commissioner of Police, (Law and Order), Madurai City cum Executive Magistrate ;

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(ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of any valid identity proof to ensure their identity ;

(iii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity; and

(iv) The petitioner shall appear before the trial Court on all working days at 10.30 am, until further orders 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 of 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.

sd/-

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08/07/2022

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

TO

- 1 THE DEPUTY COMMISSIONER OF POLICE, (LAW AND ORDER), MADURAI CITY, CUM EXECUTIVE MAGISTRATE.
- 2 THE INSPECTOR OF POLICE, C-3, S S COLONY POLICE STATION, MADURAI CITY.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.SABBANI KARPURA JOTHI, Advocate (SR-6806[I] dated 08/07/2022)

ORDER IN

CRL MP(MD) No.6223 of 2022
IN CRL RC(MD) No.884 of 2021
Date :08/07/2022

RS/PN/SAR.2 (08.07.2022) 3P-6C

<https://www.mhc.tn.gov.in/judis>