



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

Monday, the Third day of January Two Thousand and Twenty Two

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.10559 of 2021
IN
CRL RC(MD) No.884 of 2021

RAVIKUMAR @ DOG RAVI

... PETITIONER/PETITIONER

Vs

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

2 THE INSPECTOR OF POLICE
C-3, S.S.COLONY (LAW & ORDER) 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 of imprisonment imposed by the R1 in M.C.No.239/நி.செ.ந. & கா.து.ஆ./ம.மா/2021, dated 25.10.2021 and set aside the same and pass such other or further orders as this Honourable Court.

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

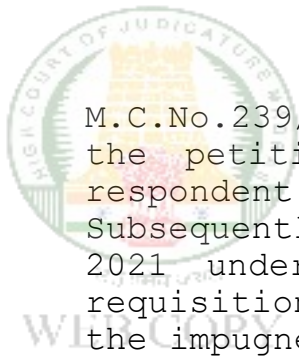
To call for the records of the R1 in M.C.No.239/நி.செ.ந. & கா.து.ஆ./ம.மா/2021 dated 25.10.21 and set aside the same and pass such other or further orders as this Honourable Court may deem fit and proper in the circumstances of this case and thus render justice.

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.DEENADHAYALAN S, Advocate for the petitioner and of MR.K.SANJAY GANDHI, GOVERNMENT ADVOCATE on behalf of the Respondents the court made the following order:-

This petition has been filed to suspend the sentence of imprisonment imposed by the first respondent in M.C.No.239/Ni.Che.N and Kaa.Thu.Aa./M.Maa/2021, dated 25.10.2021.

2.The second respondent referred a case in LIR.No.30 of 2020 under Section 110 Cr.P.C., before the first respondent. In

<https://hcservices.ecourts.gov.in/hcservices/>



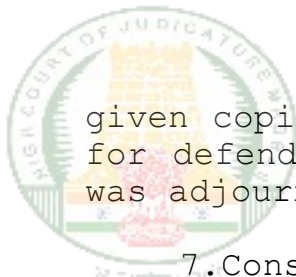
M.C.No.239/Ni.Che.N and Kaa.Thu.Aa./M.Maa/2021, dated 25.10.2021, the petitioner executed a bond on 09.03.2021 before the first respondent for maintaining good behaviour for a period of two years. Subsequently, the petitioner involved in a case in Crime No.493 of 2021 under Sections 341, 294(b), 323 and 506(ii) IPC. On the requisition of the second respondent, the first respondent passed the impugned order under Section 122(1)(b) of Cr.P.C., directing the petitioner to be in custody till 08.03.2023. Against the impugned order, the petitioner has preferred a revision case in CrI.R.C.(MD) No.884 of 2021. Along with the revision, he has filed a petition for suspension of sentence, pending disposal of the said revision.

3.On the side of the petitioner, it is stated that the ground case is only under Section 506(ii) IPC and the petitioner was arrested on 18.10.2021 and he was summoned to appear before the first respondent on 20.10.2021. Copies of the relating documents were not furnished to the petitioner and the procedures were not properly followed by the first respondent and passed the impugned order on 25.10.2021. Sufficient opportunity was not given to the petitioner. The petitioner is in custody for the past 53 days and prayed the sentence to be suspended.

4.On the side of the respondents, it is stated that the petitioner is a notorious person, having number of previous cases, including three murder cases in Crime Nos.675 of 1997, 293 of 2000 and 290 of 2001 and has involved in committing the offence of robbery, dacoity, murder for gain and he is acting as a hireling/executing special assignment given by big shots and prayed the petition to be dismissed.

5.A perusal of the records would reveal that the petitioner has executed a bond on 09.03.2021. On 18.10.2021, the petitioner was arrested in another case in Crime No.493 of 2021 for the offence under Sections 341, 294(b), 323 and 506(ii) IPC. The PT warrant was issued on 19.10.2021 along with the copies of the relevant documents. On 20.10.2021, the petitioner was produced before the first respondent, five witnesses were examined and the petitioner prays time for engaging an Advocate to examine the witnesses, again the case was adjourned to 21.10.2021. On 21.10.2021, at the request of the Advocate, copies were furnished and the case was adjourned for cross examination of the witnesses to 22.10.2021. The learned counsel for the petitioner represented that the petitioner has not indulged in any offence for the past five years. There was no witnesses or arguments or explanation on the side of the revision petitioner. Five witnesses were examined and those witnesses were not cross-examined by the revision petitioner. The first respondent come to a conclusion that there was a threat to the law and order in the particular locality and pass the impugned order.

6.It is seen that the petitioner has involved in various cases <https://hcmr.caserecord.gov.in/hsrce/> murder cases. It is seen that the petitioner was



given copies of the documents and he appeared and engaged a counsel for defending himself. At the request of the petitioner, the case was adjourned to 21.10.2021, 22.10.2021 and on 25.10.2021.

7.Considering the previous antecedents of the petitioner and also considering the fact that a detailed enquiry is required, this Court is not inclined to grant suspension of sentence, at the present.

8.Hence, this Criminal Miscellaneous Petition is dismissed.

sd/-

03/01/2022

/ TRUE COPY /

/ /2022

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 DEPUTY COMMISSIONER OF POLICE,
(LAW & ORDER) CUM EXECUTIVE MAGISTRATE,
MADURAI CITY.
- 2 THE INSPECTOR OF POLICE
C-3, S.S.COLONY (LAW & ORDER) POLICE STATION,
MADURAI CITY.
- 3 THE OFFICER INCHARGE,
DISTRICT PRISON, DINDIGUL.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL MP(MD) No.10559 of 2021
IN CRL RC(MD)No.884 of 2021
Date :03/01/2022

RS/JC/SAR.2(05.01.2022) 3P-5C