



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

Thursday, the Sixth day of October Two Thousand and Twenty Two

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

Crl.M.P.(MD)No.11995 of 2022
in
Crl.R.C.(MD)No.975 of 2022

MOHAMED ALI

... REVISION PETITIONER / PETITIONER

Vs

1 THE EXECUTIVE MAGISTRATE AND
DEPUTY COMMISSIONER OF POLICE (SOUTH),
MADURAI CITY.

2 THE INSPECTOR OF POLICE
B1-VILLAKUTHOON POLICE STATION,
MADURAI CITY.

3 THE SUPERINTENDENT OF PRISON
CENTRAL PRISON, MADURAI

... RESPONDENTS / RESPONDENTS

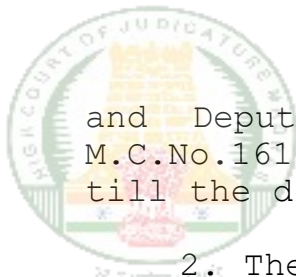
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the sentence imposed on the petitioner by the impugned order in M.CNo.161/Ni.Se.Na and Ka.Thu.Aa/Ma.Maa/2022 dated 04.08.2022 order passed by the Respondent No.1 till the disposal of the main revision petition.

Prayer in CRL RC(MD). 975/ 2022 :

To call for the records pertaining to the impugned order in M.C No. 161/Ni.Se.Na and Ka.Thu.Aa/Ma.Maa/2022 dated 04.08.2022 passed by the Respondent No.1 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 M/S.JAINUL ABUDHEEN.A, Advocate for the petitioner and of MR.K.SANJAI GANDHI, Government Advocate (Crl. Side) on behalf of the Respondents, While admitting the Crl.RC., the court made the following order:-

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by the Executive Magistrate



and Deputy Commissioner of Police (South), Madurai (in M.C.No.161/Ni.Se.Na. & Ka. Thu. Aa/Ma.Maa/2022, dated 04.08.2022, till the disposal of this Criminal Revision.

2. The learned counsel for the petitioner would submit that the second respondent registered a case against the petitioner in Crime No.2 of 2022 under Section 110 Cr.P.C., that the first respondent, on the basis of the report of the second respondent, has passed an order in M.C.No.161/2022 directing the petitioner to execute a good behavior bond for a sum of Rs.1,00,000/- for a period of one year, for which, the petitioner had executed a bond before the first respondent on 17.03.2022, that subsequently, a criminal case was registered against the petitioner in Crime No.164 of 2022 under Sections 147, 148, 307 IPC and the petitioner was arrested and remanded to judicial custody on 20.07.2022, that the first respondent issued a show cause notice to the petitioner through the jail authority, that the petitioner was produced before the first respondent, that thereafter the first respondent after enquiry, has passed the impugned order, dated 04.08.2022, cancelling the security bond executed by the petitioner. Aggrieved by the said order, the petitioner has preferred the present Criminal Revision Case along with the present miscellaneous petition seeking suspension of sentence.

3. The learned counsel for the petitioner submits that the petitioner is no way connected in this case and in the FIR, the petitioner's name was not shown as an accused. He further submits that before passing of the impugned order, the first respondent examined five witnesses and out of five witnesses, three witnesses have not stated anything against the petitioner. However, the first respondent has purposely passed the impugned order, by implicating the petitioner as an accused. Therefore, he prays for suspension of sentence imposed by the first respondent. If the sentence will not be suspended, the petitioner will be put into great loss and hardships.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submits that the petitioner is having one previous case. Though the petitioner executed a bond, he breached the bond condition. Therefore, the first respondent has passed the impugned order.

5. Considering the above facts and circumstances of the case and also considering the fact that the petitioner's name was not shown as an accused in the FIR, this Court is of the view that the petitioner herein is entitled for suspension of sentence.

6. Accordingly, the suspension of sentence petition is allowed and the sentence imposed against the petitioner is suspended till the disposal of the revision petition and the petitioner is directed to be discharged on bail on the following conditions:-



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(i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Madurai;

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

(iii) The petitioner shall appear before the first respondent as and when required.

sd/-

06/10/2022

/ TRUE COPY /

07/10/2022

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

TO

1 THE JUDICIAL MAGISTRATE NO.I, MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.

3 THE EXECUTIVE MAGISTRATE AND
DEPUTY COMMISSIONER OF POLICE (SOUTH),
MADURAI CITY.

4 THE INSPECTOR OF POLICE
B1-VILLAKUTHOON POLICE STATION, MADURAI CITY.

5 THE SUPERINTENDENT OF PRISON
CENTRAL PRISON, MADURAI

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

+1 CC to M/s.A.JAINUL ABUDHEEN, Advocate (SR-11062[I] dated
07/10/2022)

ORDER IN

Crl.M.P.(MD)No.11995 of 2022
in

Crl.R.C.(MD)No.975 of 2022

Date :06/10/2022

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<https://www.mca.gov.in/07.10.2022/3P/8C>