



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 MP(MD) No.11998 of 2022
in
Crl.R.C. (MD) No.977 of 2022

SURESH

... PETITIONER

Vs

1. THE SUB DIVISIONAL EXECUTIVE MAGISTRATE/
THE REVENUE DIVISIONAL OFFICER,
O/O. REVENUE DIVISIONAL OFFICER,
TENKASI, TENKASI DISTRICT.
2. THE INSPECTOR OF POLICE,
TENKASI POLICE STATION,
TENKASI DISTRICT.
3. THE SUPERINTENDENT OF PRISON,
PALAYAMKOTTAI CENTRAL PRISON,
TIRUNELVELI DISTRICT.

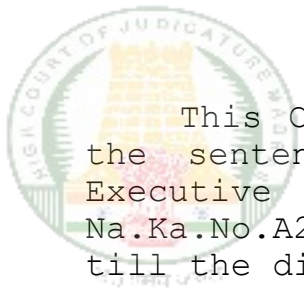
... RESPONDENTS

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 passed by the Respondent No.1 in Na.Ka.No. A2/M.C.B.29/2022(TKS)/4631/2022/CRPC107, Dated.23.08.2022 and release the appellant now confining at Palayamkottai Central Prison pending disposal of this Crl.R.C.

PRAYER in Crl.R.C. (MD) No.977 of 2022 :

Pleased to call for the records connected with the order passed by the Respondent No.1 in Na.Ka.No.A2/M.C.B.29/2022(TKS)/4631/2022/CRPC107 dated 23.08.2022 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.ALAGUMANI R, Advocate for the petitioner and of MR.K.SANJAI GANDHI, Government Advocate on behalf of the Respondents, while admitting the Crl.R.C., the court made the following order:-



This Criminal Miscellaneous Petition has been filed to set aside the sentence imposed on the petitioner by the Sub Divisional Executive Magistrate/the Revenue Divisional Officer, Tenkasi, in Na.Ka.No.A2/M.C.B.29/2022(TKS)/4631/2022/CRPC 107, dated 23.08.2022, till the disposal of this Criminal Revision.

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2. The learned counsel for the petitioner would submit that the second respondent registered a case against the petitioner in LIR No.39 of 2022 under Section 107 Cr.P.C., that the first respondent, on the basis of the report of the second respondent, has passed an order directing the petitioner to execute a good behavior bond for a sum of Rs.5,000/- for a period of six months, for which, the petitioner had executed a bond before the first respondent on 19.07.2022, that subsequently, a criminal case was registered against the petitioner in Crime No.398 of 2022 under Sections 294 (B), 352 , 506(ii) IPC and 4 of TNPHW Act, that another case was also registered against the petitioner in Cr.No.439 of 2022 under Sections 294(B), 323 and 506(ii) IPC and in this regard, a summon was issued to the petitioner on 12.08.2022, directing him to appear before the first respondent No.1 on 22.08.2022 and thereafter, the first respondent after enquiry, has passed the impugned order, dated 23.08.2022, cancelling the security bond executed by the petitioner and directed to detain him. 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 both the cases registered against him. He further submits that before the passing the impugned order, the first respondent has not provided any opportunity to the petitioner to defend his case through his Advocate and he has also failed to furnish any document relating to the case foisted against him and failed to furnish the list of witnesses, which shows that it is against the principles of natural justice and in total violation of law. Hence, 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 though the petitioner executed a security 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, 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 released on bail on the following conditions:-



(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 Judicial Magistrate, Tenkasi;

(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

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07/10/2022

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

TO

1. THE JUDICIAL MAGISTRATE, TENKASI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE SUB DIVISIONAL EXECUTIVE MAGISTRATE/
THE REVENUE DIVISIONAL OFFICER,
O/O. REVENUE DIVISIONAL OFFICER,
TENKASI, TENKASI DISTRICT.
4. THE INSPECTOR OF POLICE,
TENKASI POLICE STATION,
TENKASI DISTRICT.
5. THE SUPERINTENDENT OF PRISON,
PALAYAMKOTTAI CENTRAL PRISON,
TIRUNELVELI DISTRICT.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL MP(MD) No.11998 of 2022
in
Crl.R.C.(MD)No.977 of 2022
Date :06/10/2022

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