



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.11996 of 2022
in
Crl.R.C.(MD)No.976 of 2022

MARIYA ANTONY PITCHAIAH TAITUS ... PETITIONER/PETITIONER
Vs

- 1 THE SUB DIVISIONAL MAGISTRATE/
REVENUE DIVISIONAL OFFICER,
THOOTHUKUDI,
THOOTHUKUDI DISTRICT.
Aa1/110/MC.NO.155/2022.
- 2 THE INSPECTOR OF POLICE
THOOTHUKUDI NORTH POLICE STATION,
THOOTHUKUDI DISTRICT.

... RESPONDENTS/RESPONDENTS

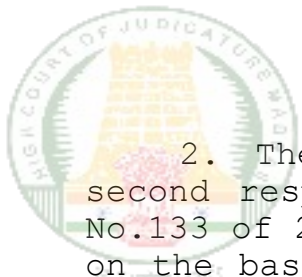
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to pass an order suspension of sentence imposed in Aa1/110/MC.No.155/2022 dated 9/9/2022 passed by R1 and release the petitioner on bail pending disposed of Crl.RC. before this Honble Court.

Prayer in CRL RC(MD) . 976/ 2022 :

To call for the records of the proceedings in Aa1/110/MC No.155/2022 dated 9/9/2022 on the file of R1 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 M/S.MARIAPPAN.R, Advocate for the petitioner and of M/S.K.SANJAI GANDHI, Government Advocate 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 Sub Divisional Magistrate/Revenue Divisional Officer, Thoothukudi, in Aa1/110/MC No.155 of 2022, dated 09.09.2022, till the disposal of this Criminal Revision.



2. The learned counsel for the petitioner submits that the second respondent registered a case against the petitioner in LIR No.133 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.155/2022 directing the petitioner to execute a good behavior bond for a sum of Rs.10,000/- for a period of six months, for which, the petitioner had executed a bond before the first respondent on 04.07.2022, that subsequently, a criminal case was registered against the petitioner in Crime No.433 of 2022 under Sections 341, 294(b), 387 and 506(ii) IPC and the petitioner was arrested and remanded to judicial custody on 02.09.2022, 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 09.09.2022, 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.

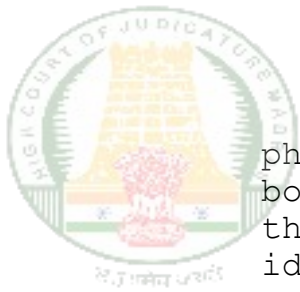
3. The learned counsel for the petitioner submits that the petitioner is no way connected in this case. However, the first respondent has purposely passed the impugned order, by implicating the petitioner as an accused. Therefore, he prays for suspension of sentence imposed by the first respondent. If 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 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 there are no materials produced against the petitioner, 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 enlarged 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 learned Judicial Magistrate No.III, Thoothukudi;



(ii) The sureties shall affix the 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

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(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.

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TO

1.THE JUDICIAL MAGISTRATE NO.III, THOOTHUKUDI.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.

3.THE OFFICER IN CHARGE,
DISTRICT PRISON, PERURANI,THOOTHUKUDI.

4 THE SUB DIVISIONAL MAGISTRATE/
REVENUE DIVISIONAL OFFICER,
THOOTHUKUDI,
THOOTHUKUDI DISTRICT.

5 THE INSPECTOR OF POLICE
THOOTHUKUDI NORTH POLICE STATION,
THOOTHUKUDI DISTRICT.

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

ORDER

IN

Crl.M.P. (MD) No.11996 of 2022
in

Crl.R.C. (MD) No.976 of 2022

Date :06/10/2022

RK/SBN/SAR- 1 (07/10/2022) 3P/7C

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