



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

Thursday, the First day of December Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.14664 of 2022
IN
CRL RC(MD) No.1164 of 2022

GURUSOORAJ

... PETITIONER/PETITIONER/
RESPONDENT

Vs

1. THE EXECUTIVE MAGISTRATE CUM
DEPUTY COMMISSIONER OF POLICE (SOUTH),
MADURAI DISTRICT.
2. THE INSPECTOR OF POLICE,
C-2, SUBRAMANIYAPURAM (LAW & ORDER) POLICE STATION,
MADURAI CITY,
MADURAI DISTRICT.
3. THE SUPERINTENDENT OF PRISON,
MADURAI CENTRAL PRISON,
MADURAI DISTRICT.

... RESPONDENTS/RESPONDENTS/
COMPLAINANTS

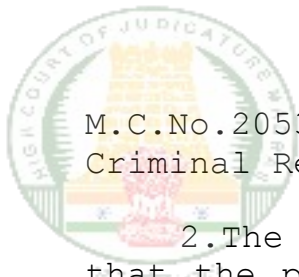
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspending the Execution of Sentence passed by the Learned Executive Magistrate cum Deputy Commissioner of Police (South), Madurai in MC.No.2053/நி.செ.ந. & கா.து.ஆ/ம.மா/2021, dated.01.11.2022.

Prayer in CRL RC(MD) No.1164 of 2022 :

Pleased to call for the records pertaining to the orders of the 1st Respondent passed in M.C.No.2053/நி.செ.ந. & கா.து.ஆ/ம.மா/2021 on the file of the learned Executive Magistrate cum Deputy Commissioner of Police (South), Madurai dated 01.11.2022 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.RAJA MOHAMED B.N., Advocate for the petitioner and of MR.S.MANIKANDAN, Government Advocate (Criminal) on behalf of the Respondents, the court made the following order:-

This petition is filed to suspend the sentence imposed by the Court of the Executive Magistrate cum Deputy Commissioner of Police (South) Madurai, by order dated 01.11.2022 passed in



M.C.No.2053/நி.செ.ந. & கா.து.ஆ.ம.மா/2021, pending disposal of the Criminal Revision.

2.The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the first respondent for violation of good behaviour bond and sentenced to undergo imprisonment till 27.12.2022.

3.The learned counsel appearing for the petitioner submitted that in the FIR the petitioner's name is not mentioned and he would further submitted that the mandatory procedure set out by this Court in the case of **P.Sathish @ Sathish Kumar Vs. State represented by the Inspector of Police**, reported in **2019 (2) MWN (Cr.) 136**, has not been complied by the respondent.

4.Mr.S.Manikandan, learned Government Advocate appearing for State Government (Crl.side) submitted that even though records have been called for, so far it has not been received. Whether the above said mandatory procedures have been complied or not is matter for consideration in the main revision petition.

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

6.Accordingly, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision and the petitioner is directed to be enlarged on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the Judicial Magistrate Court No.IV, Madurai and on further condition that the petitioner shall appear before the concerned Court once in a week i.e., on the first working day of every week at 10.30 a.m. pending revision.

sd/-
01/12/2022

/ TRUE COPY /

02/12/2022
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.

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



TO

1. THE JUDICIAL MAGISTRATE NO.IV,
MADURAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE EXECUTIVE MAGISTRATE CUM
DEPUTY COMMISSIONER OF POLICE (SOUTH) ,
MADURAI DISTRICT.
4. THE INSPECTOR OF POLICE,
C-2, SUBRAMANIPURAM (LAW & ORDER) POLICE STATION,
MADURAI CITY, MADURAI DISTRICT.
5. THE SUPERINTENDENT OF PRISON,
MADURAI CENTRAL PRISON,
MADURAI DISTRICT.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.B.N.RAJA MOHAMED, Advocate (SR-14129[I] dated
01/12/2022)

ORDER
IN
CRL MP(MD) No.14664 of 2022
IN
CRL RC(MD) No.1164 of 2022
Date :01/12/2022

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USK/VR/SAR-I/02.12.2022/3P/8C