



CrI.O.P.(MD) No.22979 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2022

CORAM:

THE HONOURABLE MR. JUSTICE K.MURALI SHANKAR

CrI.O.P.(MD) No.22979 of 2022

Nambirajan,

: Petitioner

Vs

1. The Second Class Executive Magistrate
Cum Revenue Tahsildar,
Tahsildar, Radhapuram,
Tirunelveli District

2. The Inspector of Police,
Valliyoo Police Station,
Tirunelveli District.
Crime No.(LIR.No.19/2022).

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to call for the records relating to order, dated 23.11.2022, in suspend the sentence petition in CrI.M.P.No.11914/2022 in CrI.R.C.No. 50/2022 by the learned Principal Sessions Court, Tirunelveli and set aside the same and release the petitioner in bail.

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For Petitioner : Mr.V.M.Jegadeesha Pandian
For Respondents : Mr.M.Muthumanikkam
Government Advocate (Crl.Side)

ORDER

This criminal original petition has been filed seeking to set aside the order, dated 23.11.2022, passed by the learned Principal Sessions Court, Tirunelveli and release the petitioner in bail.

2.It is evident from the records that the Second Class Executive Magistrate Cum Revenue Tahsildar has passed the order, dated 07.11.2022, under Section 122 (1)(b) of Cr.P.C., detaining the petitioner for a period of six months i.e., till 03.01.2023. It is not in dispute that the petitioner has challenged the said order by filing a petition in Crl.R.C.No.50 of 2022, before the Principal Sessions Court, Tirunelveli and also filed an application seeking to suspend the sentence imposed against him and that the learned Principal District Judge has passed the impugned order, dated 23.11.2022 dismissing the said petition.



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3.The learned Counsel appearing for the petitioner would submit that the petitioner is in custody from 07.11.2022.

4.The learned Government Advocate(CrI.Side) would submit that the petitioner is having fifteen previous cases, out of which, three cases were already disposed of and that further three cases were filed under Section 110 Cr.P.C, and are pending for disposal.

5.Considering the fact that the petitioner is in custody from 07.11.2022 and that the bond period is going to be expired on 03.01.2023, this Court is inclined to suspend the sentence and bail is granted to the petitioner 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 Second Class Executive Magistrate Cum Revenue Tahsildar, Radhapuram, Tirunelveli District ;

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the concerned officer



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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.

6. With the above directions, this criminal original petition stands allowed.

23.12.2022

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
lr

To

1. The Second Class Executive Magistrate
Cum Revenue Tahsildar,
Tahsildar, Radhapuram,
Tirunelveli District

2. The Inspector of Police,
Valliyoo Police Station,
Tirunelveli District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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K.MURALI SHANKAR, J.

lr

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