



WEB COPY



CrI.M.P.No.59 of 2023
in
CrI.R.C.No.8 of 2023

For Petitioner ... Mr.Ilayaraja Kandasamy
For respondents ... Mr.Hasan Mohammed Jinnah
State Public Prosecutor

ORDER

This petition has been filed by the petitioner, to suspend the sentence to be imposed by the Sub-Divisional Magistrate/Sub-Collector, Chengalpattu District/first respondent, in M.C.No.121 of 2022 dated 9/12/2022.

2. Heard the learned counsel appearing on either side.

3. First respondent has passed an order, cancelling the bond executed by the petitioner, on the ground that he has violated the terms of the bond and has directed the petitioner to be detained in the prison.

4. All the cases where such orders are passed to detain, on the ground of violation of the terms of bond has been referred to this Bench and this Bench has also formulated the questions which requires an authoritative pronouncement. Since a larger issue is involved in all these cases on



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the very power and jurisdiction of the Executive Magistrates to impose punishment of imprisonment and fine, we are inclined to suspend the order passed by the first respondent and release the petitioner on bail, by imposing the following conditions:-

(i). The petitioner shall execute own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of Central Prison, Puzhal, Chennai.

(ii). The petitioner shall appear before the third respondent Police on every Friday, at 5.30 p.m., until further orders.

(iii). The Superintendent of Central Prison, Puzhal, Chennai, is directed to set the petitioner at liberty, if his further detention is no longer required in connection with any other case or proceedings.

(N.S.K.,J) (N.A.V.,J)
30th January 2023

mvs.



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**N.SATHISH KUMAR,J
AND
N.ANAND VENKATESH,J**

mvs.

To

1. The Sub-Divisional Magistrate/
Sub-Collector
Office of the Sub-Divisional Magistrate/
Sub-Collector Office
Chengapattu
Chengalpattu District.
2. The Deputy Superintendent of Police
Chengalpattu Sub Division
Chengalpattu.
3. The Inspector of Police
D 1 Chengalpattu Town Police Station
Chengalpattu.
4. The Public Prosecutor
High Court, Madras
5. The Superintendent of Central Prison
Puzhal
Chennai.

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30/1/2023