



WEB COPY



Crl.M.P.No.153 of 2023
in
Crl.R.C.No.27 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 30/1/2023

C O R A M

THE Hon'ble Mr.Justice **N. SATHISH KUMAR**
a n d
THE HONBLE Mr.Justice **N.ANAND VENKATESH**

Crl.M.P.No.153 of 2023

in

Crl.R.C.No.27 of 2023

Sanjay @ Saira ... Petitioner

Vs

State rep by

1. The Executive Magistrate cum
Deputy Commissioner of Police,
Washermenpet District, Chennai.

2. Inspector of Police,
N-4 Fishing Harbour Police Station,
Chennai – 13. ...

Respondents

PRAYER : Petition filed under Section 397 (1) of the Criminal Procedure Code, to suspend the sentence of period imposed by the Executive Magistrate cum Deputy Commissioner of Police, Washermenpet in M.P.No.109 of 2022 in M.C.No.1145/Sec.Pro/DCP WPT/2022 in N4 Fishing Harbour P.S., Crime LIR.No.31/2022 U/s 110 Cr.P.C. Dated 23.12.2022.

For Petitioner ... Mr.T.Balaji



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For respondents

...

Mr.Hasan Mohammed Jinnah
State Public Prosecutor

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ORDER

This petition has been filed by the petitioner, to suspend the sentence to be imposed by the Executive Magistrate cum Deputy Commissioner of Police, Washermenpet / first respondent, in M.P.No.109 of 2022 dated 23.12.2022.

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 the very power and jurisdiction of the Executive Magistrates to impose



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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-I, Chennai.

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

(iii). The Superintendent of Central Prison, Puzhal-I, 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

rap/mvs.

N.SATHISH KUMAR,J



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A N D

N.ANAND VENKATESH,J

rap/mvs.

To

1. The Executive Magistrate cum
Deputy Commissioner of Police,
Washermenpet District, Chennai.
2. Inspector of Police,
N-4 Fishing Harbour Police Station,
Chennai – 13.
3. The Public Prosecutor
High Court, Madras
4. The Superintendent of Central Prison – I
Puzhal
Chennai.

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