



WEB COPY



Crl.M.P.No.188 of 2023
in
Crl.R.C.No.36 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.188 of 2023
in
Crl.R.C.No.36 of 2023

Vinoth @ Vinoth Peeter ... Petitioner

Vs

1. The Sub-Divisional Magistrate
and the Sub-Collector
Chengalpattu.

2. The Deputy Superintendent of Police
Chengalpattu Sub-Division
Chengalpattu District ...

Respondents

PRAYER : Petition filed under Section 397 (1) of the Criminal Procedure Code, to suspend the sentence of period imposed till 18/7/2023 against the petitioner for the offence under Section 122 (i) (a) of Cr.P.C., in M.C.No.120 of 2022 by an order, dated 1/11/2022 on the file of the first respondent.

For Petitioner ... Mr.R.Parthiban

For respondents ... Mr.Hasan Mohammed Jinnah



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State Public Prosecutor

ORDER

This petition has been filed by the petitioner, to suspend the sentence to be imposed by the Sub-Divisional Magistrate and the Sub-Collector, Chengalpattu/first respondent, in M.C.No.120 of 2022 dated 1/11/2022, under Section 122 of the Code of Criminal Procedure.

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 punishment of imprisonment and fine, we are inclined to suspend the order



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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 District Jail, Chengalpattu.

(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 District Jail, Chengalpattu, 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.

N.SATHISH KUMAR,J

A N D



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N.ANAND VENKATESH,J

mvs.

To

1. The Sub-Divisional Magistrate
and the Sub-Collector
Chengalpattu.
2. The Deputy Superintendent of Police
Chengalpattu Sub-Division
Chengalpattu District
3. The Public Prosecutor
High Court, Madras
4. The Superintendent of District Jail
Chengalpattu.

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