



WEB COPY



CrI.M.P.No.203 of 2023
in
CrI.R.C.No.40 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**

CrI.M.P.No.203 of 2023
in
CrI.R.C.No.40 of 2023

Akash ... Petitioner

Vs

1. The State
rep. By The Executive Magistrate
-cum-Sub-Collector
Tiruvallur District
Tiruvallur.

2. The Inspector of Police
B 1 Tiruvallur Town Police Station
Tiruvallur 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.100 of 2022 in Na.Ka.No.3046/2022/A7 dated 3/10/2022 on the file of the first respondent.



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For Petitioner ... Mr.P.Surendran
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 Executive Magistrate-cum-Sub-Collector/first respondent, in M.C.No.100 of 2022 in Na.Ka.No.3046/2022/A7 dated 3/10/2022, 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



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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 I, Puzhal, 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 – I, 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

A N D

N.ANAND VENKATESH,J

mvs.

To

1. The Executive Magistrate-cum-Sub-Collector
Tiruvallur District
Tiruvallur.
2. The Inspector of Police
B 1 Tiruvallur Town Police Station
Tiruvallur District.
3. The Public Prosecutor
High Court, Madras
4. The Superintendent of Central Prison – I
Puzhal
Chennai.

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