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Crl.M.P.No.1566 of 2022
in
Crl.R.C.No.166 of 2022

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.1566 of 2022
in
Crl.R.C.No.166 of 2022

Murali ... Petitioner

Vs

1. The Sub-Divisional Magistrate/
Revenue Divisional Officer
Arakkonam.

2. The State
Inspector of Police
Sholingur Police Station
Arakkonam

... Respondents

PRAYER : Petition filed under Section 397 (1) of the Criminal Procedure Code, to suspend the sentence imposed by the Court of Sub-Divisional Magistrate/Revenue Divisional officer, Arakkonam in Na.Ka.aa1/2487/2021 under Section 110 of Cr.P.C., dated 21/12/2021 enlarge him on bail and pending disposal of Crl.R.C.



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For Petitioner ... Mr.D.Balaji
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/Revenue Divisional officer, Arakkonam, in Na.Ka.aa1/2487/2021, dated 21/12/2021.

2. Heard the learned counsel appearing on either side.

3. The Sub-Divisional Magistrate/Revenue Divisional Officer, Arakkonam District, 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 Sub-Divisional Magistrate/Revenue Divisional Officer, Arakkonam District 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 Central Prison, 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, 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 Sub-Divisional Magistrate/
Revenue Divisional Officer
Arakkonam.
2. The Inspector of Police
Sholingur Police Station
Arakkonam
3. The Public Prosecutor
High Court, Madras
4. The Superintendent of Central Prison
Puzhal - I
Chennai.

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