



WEB COPY



Crl.M.P.No.441 of 2023
in
Crl.R.C.No.77 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.441 of 2023
in
Crl.R.C.No.77 of 2023

Engarsal ... Petitioner

Vs

1. Sub-Divisional Magistrate
cum Assistant Collector,
O/o. Assistant Collector,
Nagapattinam District.

2. The Inspector of Police,
Kilvelur Police Station,
Nagapattinam District.

... Respondents

PRAYER : Petition filed under Section 397 (1) of the Criminal Procedure Code, to suspend the execution of the sentence against the petitioner / accused M.C.No.92/2022/A3 dated 21.12.2022 passed by the 1st respondent police.

For Petitioner ... Mr.P.Muthamizh Selvakumar

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 Sub-Divisional Magistrate cum Assistant Collector, Nagapattinam District / first respondent, in M.C.No.92/2022/A3 dated 21.12.2022.

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 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 Central Prison, Trichy.

(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, Trichy, 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.



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N.SATHISH KUMAR,J

A N D

N.ANAND VENKATESH,J

rap/mvs.

To

1. Sub-Divisional Magistrate
cum Assistant Collector,
O/o. Assistant Collector,
Nagapattinam District.
2. The Inspector of Police,
Kilvelur Police Station,
Nagapattinam District.
3. The Public Prosecutor
High Court, Madras
4. The Superintendent of Central Prison,
Trichy

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