



WEB COPY



CrI.M.P.No.878 of 2023
in
CrI.R.C.No.122 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.878 of 2023
in
CrI.R.C.No.122 of 2023

Desappan ... Petitioner

Vs

1. The Executive Magistrate Cum
Deputy Commissioner of Police,
Washermanpet District.

2. State Inspector of Police,
H-8, Thiruvotriyur Police Station,
Chennai – 21. ... Respondents

PRAYER : Petition filed under Section 397 (1) of the Criminal Procedure Code, to suspend the sentence of period imposed by the The Executive Magistrate Cum Deputy Commissioner of Police, Washermanpet District in M.P.No.100 of 2022 in M.C.1411/Sec.Pro/DCP WPT/2022 in H-8 Thiruvotriyur Police Station LIR.No.226/2022 under section 110 of Cr.P.C. Dated 02.12.2022.



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For Petitioner ... Mr.S.Senthilvel
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, Washermanpet /first respondent, in M.P.No.100 of 2022 dated 02/12/2022, 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



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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 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.



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N.SATHISH KUMAR,J

A N D

N.ANAND VENKATESH,J

rap/mvs.

To

1. The Executive Magistrate Cum
Deputy Commissioner of Police,
Washermanpet District.
2. State Inspector of Police,
H-8, Thiruvotriyur Police Station,
Chennai – 21.
3. The Public Prosecutor
High Court, Madras
4. The Superintendent of Central Prison,
Puzhal-I,
Chennai.

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30/1/2023