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Crl.M.P.No.848 of 2023
in
Crl.R.C.No.112 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.848 of 2023
in
Crl.R.C.No.112 of 2023

Janarthanan ... Petitioner

Vs

1. The State
Rep by Inspector of Police,
Vaniyambadi Town Police Station,
Tirupathur District.
(Crime No.324 of 2021)
2. The Sub-Divisional Executive Magistrate
Cum Revenue Divisional Officer,
Vanniyambadi,
Tirupathur District.

... Respondents

PRAYER : Petition filed under Section 397 (1) of the Criminal Procedure Code, to suspend the sentence of imprisonment imposed in order dated 06.01.2023 made in Na.Ka.A3/4433/2022 on the file of the 2nd respondent / Sub-Divisional Executive Magistrate Cum Revenue Divisional Officer,



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Vaniyambadi.

For Petitioner ... Mr.M.Sivarthanan
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 Executive Magistrate Cum Revenue Divisional Officer, Vaniyambadi /second respondent, vide proceedings dated 06.01.2023.

2. Heard the learned counsel appearing on either side.

3. Second 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, Vellore.

(ii). The petitioner shall appear before the first respondent Police on every Friday, at 5.30 p.m., until further orders.

(iii). The Superintendent of Central Prison, Vellore, 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 Inspector of Police,
Vaniyambadi Town Police Station,
Tirupathur District.
(Crime No.324 of 2021)
2. The Sub-Divisional Executive Magistrate
Cum Revenue Divisional Officer,
Vanniyambadi,
Tirupathur District.
3. The Public Prosecutor
High Court, Madras
4. The Superintendent of Central Prison,
Vellore

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