



WEB COPY



CrI.M.P.No.938 of 2023
in
CrI.R.C.No.36 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.938 of 2023
in
CrI.R.C.No.129 of 2023

Gopi @ Gopikrishnan ... Petitioner

Vs

1. State Rep. by:
The Executive Magistrate Cum Deputy
Commissioner of Police,
Kolathur Police District,
Chennai.

2. State Rep. by
The Inspector of Police,
M-3, Puzhal Police Station,
Chennai – 600 066. ... Respondents

PRAYER : Petition filed under Section 397 (1) of the Criminal Procedure Code, to suspend the sentence passed by the first respondent in C.No.179/Sec.Pro/DC KOLATHUR/2021, based on the application M.P.No.19/2022 made by the second respondent for 110 Cr.P.C. Proceedings in Serial No.126/Insp.R.M3.P.S/Sec.Pro/2022 U/s.110 Cr.P.C. And U/s.122(1)(b) and sentenced to undergo a period of one year and the 14 days



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of period of good behavior and 14 day custody totally 28 days had deducted from 1 year and the remaining period of 337 have to undergo is the order passed by 1st respondent dated 29.12.2022 and to enlarge him on bail.

For Petitioner ... Mr.R.Maran

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, Chennai / first respondent, in C.No.179/Sec.Pro/DC KOLATHUR/2021 vide order dated 29.12.2022.

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



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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 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, 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



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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,
Kolathur Police District,
Chennai.
2. The Inspector of Police,
M-3, Puzhal Police Station,
Chennai – 600 066.
3. The Public Prosecutor
High Court, Madras
4. The Superintendent of Central Prison,
Puzhal
Chennai.

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