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Crl.M.P.No.2111 of 2020
in
Crl.R.C.No.285 of 2020

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.2111 of 2020
in
Crl.R.C.No.285 of 2020

Kowsi @ Kalidass ... Petitioner

Vs

1. The Executive Magistrate-cum-
Deputy Commissioner of Police
Thiyagaraya Nagar District
Chennai.

2. State
rep. By The Inspector of Police
R 10 M.G.R.Nagar Police Station
Chennai 83.

... Respondents

PRAYER : Petition filed under Section 397 (1) of the Criminal Procedure Code, to suspend the sentence imposed by the Executive Magistrate-cum-
Deputy Commissioner of Police, Chennai, in
N.k.No.199/Nir/Se.Nadu.Ka.Thu.Aa.thi.Maa/2019, dated 10/1/2020,
pending disposal of the Criminal Revision Case.



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For Petitioner ... Mr.N. Thirumalai
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 Executive Magistrate-cum-Deputy Commissioner of Police, Chennai, in Na.Ka.No.199/Nir/Se.Nadu.Ka.Thu.Aa.Thi.Maa/2019 dated 10/1/2020.

2. Heard the learned counsel appearing on either side.

3. The Executive Magistrate-cum-Deputy Commissioner of Police, Chennai, 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



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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 Executive Magistrate-cum-Deputy Commissioner of Police, Chennai 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

mvs.



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N.SATHISH KUMAR,J

A N D

N.ANAND VENKATESH,J

mvs.

To

1. The Executive Magistrate-cum-
Deputy Commissioner of Police
Thiyagaraya Nagar District
Chennai.
2. The Inspector of Police
R 10 M.G.R.Nagar Police Station
Chennai 83.
3. The Public Prosecutor
High Court, Madras
4. The Superintendent of Central Prison
Puzhal
Chennai.

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