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Crl.M.P.No.19007 of 2022
in
Crl.R.C.No.1580 of 2022

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.19007 of 2022
in
Crl.R.C.No.1580 of 2022

M.Govindaraj ... Petitioner

Vs

1. The State of Tamil Nadu,
Rep.by the Executive Magistrate /
Deputy Commissioner of Police,
Madhavaram District,
Chennai.

2. The State of Tamil Nadu,
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 imposed by the first respondent passed in M.P.No.6 of 2022 in C No.17/Sec.Pro/DC MVM/2022 in M3 Puzhal P.S Sl.No.82/Inspr./Sec.pro/2021 u/s 110 Cr.P.C. Dated 02.06.2022 under



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Section 122(1)(b) of the Cr.P.C. And enlarge the petitioner on bail pending disposal of the Criminal Revision Petition.

For Petitioner	...	M/s.Charles Kamalesh M.Appaji for A.Stephen
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 the Executive Magistrate / Deputy Commissioner of Police, Madhavaram / first respondent, in M.P.No.6 of 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



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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 1, Puzhal.

(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 1, Puzhal 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 /
Deputy Commissioner of Police,
Madhavaram District,
Chennai.
2. The Inspector of Police,
M-3, Puzhal Police Station,
Chennai – 600 066.
3. The Public Prosecutor
High Court, Madras
4. Superintendent of Central Prison 1,
Puzhal.

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