



Crl.M.P.No.15630 of 2022 in Crl.R.C.No.1408 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2023

CORAM

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

Crl.M.P.No.15630 of 2022

in

Crl.R.C.No.1408 of 2022

Thondai Appunu @ Vasanthakumar

... Petitioner

Vs.

1.The Executive Magistrate cum Deputy Commissioner,
St.Thomas Mount District.

2.The State Represented by
The Inspector of Police (Law and Order),
S-9, Palavanthangal Police Station,
Chennai.

...

Respondents

PRAYER: Criminal Miscellaneous Petition filed under Section 397(1) r/w 439 of Cr.P.C. to suspend the conviction and sentence imposed in the order dated 02.09.2022 u/s.122(1)(b) of Cr.P.C, in M.P.No.22 of 2022 In Na.Ka.No.239/நீ.செ.நடு/DCP- St.Thomas Mount Dist/2022 in S-9, Palavanthangal P.S., S.I.No.40/Sec.Pro/2022 U/s.110 of Cr.P.C., on the file of the Executive Magistrate cum Deputy Commissioner of Police, St.Thomas



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Mount District to undergo Simple Imprisonment of 275 days and enlarged the petitioner on bail till the disposal of above revision petition.

For Petitioner : Mr.M.Iliyas

For Respondents : Mr.V.Meganathan
Government Advocate (Crl.Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed by the Executive Magistrate cum Deputy Commissioner, St.Thomas Mount District. in M.P.No.22 of 2022 dated 02.09.2022 and enlarge the petitioner on bail, pending disposal of the Criminal Revision Petition.

2. The learned counsel for the petitioner submitted that the petitioner executed a bond under Section 110 of Cr.P.C. for good behavior on 31.05.2022. He further submitted that, though the petitioner is not involved in any crime as alleged by the respondent police, the respondent police registered a case in Crime No.116 of 2022 for the alleged offence under Sections 8(c), 20 (b)(ii)(B) of NDPS Act. He further submitted that the first



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Mount District, on the request made by the 2nd respondent police, examined the witnesses and after perusing the records, sentenced the petitioner as stated above and the same is under challenge.

7. At this juncture, it is relevant to note that the cases involving the similar issue of this case, is pending before the Honourable Chief Justice of this Court for constituting a larger Bench with regard to applicability of section 122(1)(b) Cr.P.C.

8. In such circumstances, since the issues to be decided would take some time, this Court is inclined to grant bail to the petitioner till the disposal of the criminal revision on the following conditions.

9. Accordingly, the petitioner is ordered to be released on bail on the following conditions:-

(i) The petitioner shall execute own bond for a



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sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) *before the Superintendent, Central Prison, Puzhal, Chennai.*

(ii)The petitioner shall appear before the second respondent Police everyday at 5.30 p.m., until further orders.

10. *The Superintendent, 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.

11. The Criminal Miscellaneous Petition is ordered accordingly.

03.01.2023

rpl

To

1. The Executive Magistrate cum Deputy Commissioner,
St.Thomas Mount District.

2. The Superintendent, Central Prison, Puzhal, Chennai.

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3.The Inspector of Police (Law and Order),
S-9, Palavanthangal Police Station,
Chennai.

4. The Public Prosecutor,
High Court of Madras, Chennai.



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V.SIVAGNANAM, J.,

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