



WEB COPY



Crl.M.P.No.15654 of 2022 in Crl.R.C.No.1410 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.15654 of 2022

in

Crl.R.C.No.1410 of 2022

Sudalai Raja

... 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-7, Madipakkam 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 19.09.2022 u/s.122(1)(b) of Cr.P.C, in M.P.No.26 of 2022 In Na.Ka.No.381/Nir.Se.Nadu.Ka.Thu.Aa.Pa.Tho.Ma/2022 St.Thomas Mount District/2022 in S-7, Madipakkam P.S., Sl.No.20/Sec.Pro/2022 U/s.110 of Cr.P.C., on the file of the Executive Magistrate cum Deputy Commissioner



Crl.M.P.No.15654 of 2022 in Crl.R.C.No.1410 of 2022

of Police, St.Thomas Mount District to undergo Simple Imprisonment of 344 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.26 of 2022 dated 19.09.2022 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 25.08.2022. 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.387 of 2022 for the alleged offence under Sections 341, 294(b), 384 and 506(ii) I.P.C. He further submitted that the



Crl.M.P.No.15654 of 2022 in Crl.R.C.No.1410 of 2022

WEB COPY

first respondent has passed the impugned order, believing the version of the respondent police and has sentenced the petitioner to undergo imprisonment for the remaining period of bond and the above order is under challenge.

3. He further submitted that, now, the petitioner is in prison for violating the bond executed under Section 110 Cr.P.C., as directed by the first respondent and hence, the petitioner may be enlarged on bail till the disposal of this revision.

4. When the matter is taken up, the learned Government Advocate (Crl.Side) appearing for the respondents objected to release the petitioner on bail.

5. I have considered the submissions made on both side and perused the materials available on record.

6. The Executive Magistrate cum Deputy Commissioner, St.Thomas



Crl.M.P.No.15654 of 2022 in Crl.R.C.No.1410 of 2022

WEB COPY

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



Crl.M.P.No.15654 of 2022 in Crl.R.C.No.1410 of 2022

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.

5 of 7



Crl.M.P.No.15654 of 2022 in Crl.R.C.No.1410 of 2022

WEB COPY

3. The Inspector of Police (Law and Order),
S-7, Madipakkam Police Station,
Chennai.

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



WEB COPY



Crl.M.P.No.15654 of 2022 in Crl.R.C.No.1410 of 2022

V.SIVAGNANAM, J.,

rpl

Crl.M.P.No.15654 of 2022
in
Crl.R.C.No.1410 of 2022

03.01.2023