



WEB COPY



Crl.M.P.No.18836 of 2022
in
Crl.R.C.No.1555 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.18836 of 2022
in
Crl.R.C.No.1555 of 2022

Dhanabal ... Petitioner

Vs

1. The Executive Magistrate-Cum-
Deputy Commissioner of Police (South),
Tiruppur City,
Tiruppur.

2. The Inspector of Police,
Tiruppur Central Police Station,
Tiruppur – 641 604.

... Respondents

PRAYER : Petition filed under Section 397 (1) of the Criminal Procedure Code, to suspend the sentence and release the petitioner on bail pending disposal of this criminal revision before this Hon'ble Court against the judgment dated 03.10.2022 in Case No.3/2022 in E.M.C.No.88 of 2022 on the file of the 1st respondent.



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For Petitioner ... Mr.R.Rajprabhu
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 The Executive Magistrate-Cum-Deputy Commissioner of Police (South), Tiruppur / first respondent, in Case No.3/2022 in E.M.C.No.88 of 2022 dated 03.10.2022.

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 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 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 Tiruppur District Prison, Tiruppur.

(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 Tiruppur District Prison, Tiruppur, 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-Cum-
Deputy Commissioner of Police (South),
Tiruppur City,
Tiruppur.
2. The Inspector of Police,
Tiruppur Central Police Station,
Tiruppur – 641 604.
3. The Public Prosecutor
High Court, Madras
4. Superintendent of Tiruppur District Prison,
Tiruppur.

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30/1/2023