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Crl.M.P.No.526 of 2023  
in  
Crl.R.C.No.86 of 2023

**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.526 of 2023**  
in  
**Crl.R.C.No.86 of 2023**

Karthick @ Irula Karthick ... Petitioner

Vs

1. The Executive Magistrate-cum-  
Deputy Commissioner of Police,  
St.Thomas Mount,  
Chennai – 600 016.

2. State:-  
The Inspector of Police, (Law and Order)  
S-8, Adambakkam Police Station,  
Chennai – 600 088.

... Respondents

**PRAYER :** Petition filed under Section 397 (1) of the Criminal Procedure Code, to suspend the sentence imposed in M.P.No.23 of 2022 in Na.Ka.No.352/Nir.Se.Nadu/Ka.Thu.AA/Pu.Tho.Malai Mavattam/2022 vide an order dated 07.09.2022 on the file of the 1<sup>st</sup> respondent and enlarge the petitioner.



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For Petitioner ... Mr.S.N.Arunkumar  
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-cum-Deputy Commissioner of Police, St. Thomas Mount, Chennai / first respondent, in M.P.No.23 of 2022 dated 07.09.2022, under Section 122 of the Code of Criminal Procedure.

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, 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)  
30<sup>th</sup> January 2023

mvs./rap



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**N.SATHISH KUMAR,J**

**A N D**

**N.ANAND VENKATESH,J**

mvs./rap

To

1. The Executive Magistrate-cum-  
Deputy Commissioner of Police,  
St.Thomas Mount,  
Chennai – 600 016.
2. The Inspector of Police, (Law and Order)  
S-8, Adambakkam Police Station,  
Chennai – 600 088.
3. The Public Prosecutor  
High Court, Madras
4. The Superintendent of Central Prison  
Puzhal  
Chennai.

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