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Crl.M.P.No.61 of 2023
in
Crl.R.C.No.10 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.61 of 2023
in
Crl.R.C.No.10 of 2023

Reni @ Renin ... Petitioner

Vs

1. The Administrative Executive Magistrate
-cum-Deputy Commissioner of Police
South Coimbatore City
Coimbatore.
2. State
rep. By The Inspector of Police
D 4 Kuniyamuthur Crime Branch Police Station
Coimbatore District. ... Respondents

PRAYER : Petition filed under Section 397 (1) of the Criminal Procedure Code, to suspend the sentence imposed by the first respondent in M.P.No.5 of 2022 in Na.Ka.No.501/Nir/Se/Nadu & Ka.Thu.Aa (South)/Coimbatore City/2022 vide an order dated 7/11/2022 and enlarge the petitioner on bail, pending disposal of the Criminal Revision Case.



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For Petitioner ... Mr.S.N.Arunkumar
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 Administrative Executive Magistrate-cum-Deputy Commissioner of Police, Coimbatore/first respondent, in M.P.No.5 of 2022 Na.Ka.No.501/Nir/Se/Nadu & Ka.Thu.Aa (South)/Coimbatore City/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, Coimbatore.

(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, Coimbatore, 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

mvs.



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N.SATHISH KUMAR,J

A N D

N.ANAND VENKATESH,J

mvs.

To

1. The Administrative Executive Magistrate
-cum-Deputy Commissioner of Police
South Coimbatore City
Coimbatore.
2. The Inspector of Police
D 4 Kuniyamuthur Crime Branch Police Station
Coimbatore District.
3. The Public Prosecutor
High Court, Madras
4. The Superintendent of Central Prison
Coimbatore.

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30/1/2023