



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Ninth day of March Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.3944 of 2023
IN
CRL RC(MD) No.274 of 2023

KARTHIKRAJA @ KAKKA KARTHIK

... PETITIONER/PETITIONER

Vs

1 EXECUTIVE MAGISTRATE CUM
DEPUTY COMMISSIONER OF POLICE (SOUTH)
MADURAI DISTRICT, MADURAI.

2 THE INSPECTOR OF POLICE
B-6 JAIHUNDIPURAM POLICE STATION,
MADURAI

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed on the petitioner by the Executive Magistrate cum Deputy Commissioner of Police (South) Madurai in M.C No.202/Ni.Se.Na and ka.Thu.Aa/M.Ma/2022 dt.01.11.2022 as against Karthikraja (A) Kakka Karthik S/o.Moorthy who is now detained in Ramanadhapuram District Jail and enlarge the petitioner on bail pending disposal of the Crl.R.C.

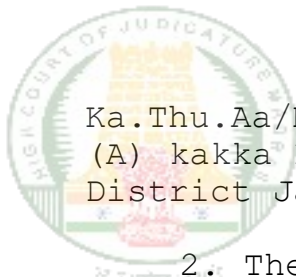
Prayer in CRL RC(MD) . 274/ 2023 :

To call for the records relating to the orders passed by the Executive Magistrate Cum Deputy Commissioner of Police (South) Madurai in M.C No.202/Ni.Se.Na and Ka.Thu.Aa/M.Ma/2022 dt.01.11.2022 as against Karthikraja (A) Kakka Karthik S/o.Moorthy who is now detained in Ramanadhapuram District Jail and set aside the same.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.PAMELIN.W, Advocate for the petitioner and of Mr.A.ALBERT JAMES, Government Advocate(crl.side) on behalf of the Respondents, the court made the following order:-

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed by the Executive Magistrate cum Deputy Commissioner of Police (South) Madurai in M.C.No.202/Ni.Se.Na &

<https://www.mhc.tn.gov.in/judis>



Ka.Thu.Aa/M.Ma/2022, dated 01.11.2022, as against the Ka. (A) kakka Karthik S/o.Moorthy, who is now detained in Ramanadhapuram District Jail.

2. The learned counsel for the petitioner would submit that the second respondent registered a case against the petitioner in C.S.R.No.24 of 2022 under Section 110 Cr.P.C, that the first respondent, on the basis of the report of the second respondent, has passed an order in M.C. No.202/Ni.Se.Na & Ka.Thu.Aa/M.Ma/2022, dated 01.11.2022, directing the petitioner to execute a good behavior bond for a sum of Rs.25,000/- for a period of one year, for which, the petitioner had executed a bond before the first respondent on 24.03.2022, that subsequently, a criminal case was registered against the petitioner in Crime No.461 of 2022 for the offences under Sections 392 r/w 397 and 506(ii) IPC on the file of the B-6 Jaihindpuram Police Station and he was arrested and remanded to judicial custody on 06.10.2022, that the first respondent issued a show cause notice to the petitioner through the jail authority, that the petitioner was produced before the first respondent, that after enquiry, the first respondent has passed the impugned order, dated 01.11.2022, cancelling the security bond executed by the petitioner and ordered to detain him in prison until the expiry of the period of bond viz., 23.03.2023. Aggrieved by the said order, the petitioner has preferred the present Criminal Revision case along with the present Miscellaneous Petition seeking suspension of sentence.

3. The learned counsel for the petitioner would further submit that the petitioner is no way connected in this case and that if the sentence will not be suspended, the petitioner will be put into great loss and hardships.

4. The learned Government Advocate (Criminal Side) appearing for the State would submit that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence.

5. Considering the above, this Court is of the view that the petitioner herein is entitled to the relief of suspension of sentence.

6. Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:-

(i) the petitioner is directed to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the Executive Magistrate cum Deputy Commissioner of Police (South), Madurai ;

(ii) the sureties shall affix their photographs and Left

<https://www.mhc.tn.gov.in> Impression in the surety bond and the learned Trial



Judge may obtain a copy of any valid identity proof to their identity ;

(iii) The petitioner shall appear before the first respondent as and when required.

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sd/-
09/03/2023

/ TRUE COPY /

10/03/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DAS
TO

- 1 EXECUTIVE MAGISTRATE CUM
DEPUTY COMMISSIONER OF POLICE (SOUTH)
MADURAI DISTRICT, MADURAI.
- 2 THE INSPECTOR OF POLICE
B-6 JAIHUNDIPURAM POLICE STATION,
MADURAI
- 3 THE OFFICER INCHARGE,
DISTRICT JAIL, RAMANATHAPURAM.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. C.C. to M/S.PAMELIN.W Advocate SR.No.3762 **(I)** Dt.09/03/2023

ORDER

IN

CRL MP(MD) No.3944 of 2023
IN

CRL RC(MD) No.274 of 2023

Date :09/03/2023

SA/MMS/SAR. /10.03.2023/3P/6C