



CRL MP(MD) No.97 of 2024

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

Monday, the Eighth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.97 of 2024

in

CRL RC(MD) No.15 of 2024

SELVARAJ

... PETITIONER/REVISION PETITIONER

Vs

1 THE SUB DIVISIONAL EXECUTIVE MAGISTRATE CUM SUB COLLECTOR,
KARAMBAKUDI TALUK,
PUDUKOTTAI DISTRICT

2 THE INSPECTOR OF POLICE
KARAMBAKUDI POLICE STATION,
PUDUKOTTAI DISTRICT.
CRIME NO.366/2023

3 SANTHOSHKUMAR

... RESPONDENTS/RESPONDENTS

Criminal Miscellaneous 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 order dated 20.12.2023 made in Na.Ka.7128/2023/A4 on the file of Sub Divisional Executive Magistrate cum Sub Collector, Karambakudi Taluk, Pudukottai District pending disposal of the above Criminal Revision Petition.

Prayer in CRL RC(MD). 15/ 2024 :

To call for the records relating to the order dated 20.12.2023 made in Na.Ka.7128/2023/A4 on the file of Sub Divisional Executive Magistrate Cum Sub

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



CRL MP(MD) No.97 of 2024

Collector, Karambakudi Taluk, Pudukottai District and set aside the same and enlarge the petitioner on bail.

Order : This Criminal Miscellaneous petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.A.ARUN PRASAD, Advocate for the petitioner and of MR.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondent Nos.1 & 2, while admitting the Criminal Revision Case, the court made the following order:-

The petitioner has filed this Criminal Miscellaneous Petition praying this Court to suspend the sentence imposed against him by the Sub Divisional Executive Magistrate-cum-Sub Collector, Karambakudi Taluk, Pudukkottai District in Na.Ka.7128/2023/A4, dated 20.12.2023 and to enlarge him on bail, pending disposal of the Criminal Revision Case.

2.It is submitted by the learned counsel for the petitioner that a case has been registered against the petitioner in Crime No.366 of 2023, on the file of the second respondent/Inspector of Police, Karambakudi Police Station, Pudukkottai District, for the offences punishable under Sections 294(b), 355, 427, 506(ii) and 386 of IPC read with Section 4 of Prohibition of Charging Exorbitant Interest Act. The learned counsel further submitted that the first respondent has passed the order in a hurried manner without even issuing any notice to the petitioner on the basis of the complaint of the second respondent and the first respondent has not set forth the substance or source of information received from the second respondent for initiating action against him under Section 110 of the Code of Criminal Procedure and the first



CRL MP(MD) No.97 of 2024

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respondent passed the impugned order under Section 122(1)(b) of Code of Criminal Procedure and sentenced him to undergo imprisonment till 20.04.2024, without any notice and therefore, the learned counsel prays for suspension of sentence.

3.Heard the learned counsel on either side and perused the materials available on record.

4.The petitioner has filed an affidavit in support of the petition. This Court has perused the same.

5.Considering the facts and circumstances of the case, this Court is of the prima facie view that the sentence is to be suspended pending this Revision Case. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned Sub Divisional Executive Magistrate-cum-Sub Collector, Karambakudi Taluk, Pudukkottai District in Na.Ka.7128/2023/A4, dated 20.12.2023 alone is suspended subject to the following conditions:-

i) The petitioner shall 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 learned Sub-Divisional Executive Magistrate-cum-Sub-Collector, Karambakudi Taluk, Pudukkottai District.

ii) The petitioner shall appear and sign before the learned Sub-Divisional Executive Magistrate-cum-Sub Collector, Karambakudi Taluk, Pudukkottai District,



CRL MP(MD) No.97 of 2024

on the first working day of every English calendar month at 10.30 a.m., until further orders.

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iii) In case, if the petitioner is unable to appear before the Court on the first working day of a month, he shall appear on the next working day.

iv) The petitioner shall furnish his residential address and mobile number to the Trial Court ie., learned Sub Divisional Executive Magistrate-cum-Sub-Collector, Karambakudi Taluk, Pudukkottai District.

7. Subject to the above conditions, this Criminal Miscellaneous Petition is allowed.

sd/-
08/01/2024

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09/01/2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

RM

TO

1 THE SUB DIVISIONAL EXECUTIVE MAGISTRATE CUM SUB COLLECTOR,
KARAMBAKUDI TALUK, PUDUKOTTAI DISTRICT

2 THE INSPECTOR OF POLICE, KARAMBAKUDI POLICE STATION,
PUDUKOTTAI DISTRICT.

3 THE SUPERINTEDENT, CENTRAL PRISON, TRICHY.



CRL MP(MD) No.97 of 2024

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.ARUN PRASAD, Advocate (SR-320[I] dated 08/01/2024)

ORDER
IN
CRL MP(MD) No.97 of 2024
in
CRL RC(MD) No.15 of 2024
Date :08/01/2024

RS//SAR-(09.01.2024) 5P 6C
Madurai Bench of Madras High Court is issuing
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