



CRL MP(MD) No.363 of 2024

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

Friday, the Twelfth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.363 of 2024

IN

CRL RC(MD) No.23 of 2024

MUGESHKUMAR @ RED

... PETITIONER/RESPONDENT

Vs

1 THE II CLASS EXECUTIVE MAGISTRATE CUM THASILDHAR,
DINDIGUL WEST,
DINDIGUL DISTRICT.

2 THE INSPECTOR OF POLICE
THANDIKOMBU POLICE STATION,
DINDIGUL DISTRICT.

... RESPONDENTS/RESPONDENTS/COMPLAINANT

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 execution of the impugned order in Na.Ka.No.6704/2023/ A3 dt.20.12.2023 on the file of the Learned II Class Executive Magistrate cum Thasildhar, Dindigul West, Dindigul District and enlarge the petitioner on bail pending disposal of above Criminal Revision Case.

Prayer in CRL RC(MD). 23/ 2024 :

To call for the records in Na.Ka.No.6704/2023/ A3 dt.20.12.2023 on the file of the Learned II Class Executive Magistrate cum Thasildhar, Dindigul West, Dindigul District and set aside the same by allowing this Criminal Revision Case..

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



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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.M.SURESH, Advocate for the petitioner and of Mr.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondents, 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 on him by the learned II Class Executive Magistrate cum Tahsildar, Dindigul West, Dindigul District in Na.Ka.No.6704/2023/A3, 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.363 of 2023, on the file of the second respondent/Inspector of Police, Thadikombu Police Station, Dindigul District, for the offences punishable under Sections 387 of IPC. The learned counsel for the petitioner further submitted that the first respondent has passed the impugned order in a hurried manner without permitting the petitioner to cross-examine the prosecution witnesses, which would amount to violation of principles of natural justice and hence, the learned counsel prays for grant of suspension of sentence to the petitioner.

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



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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.

6. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned II Class Executive Magistrate cum Tahsildar, Dindigul West, Dindigul District in Na.Ka.No.6704/2023/A3, 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 II Class Executive Magistrate cum Tahsildar, Dindigul West, Dindigul District.

ii) The petitioner shall appear and sign before the learned II Class Executive Magistrate cum Tahsildar, Dindigul West, Dindigul District, on the first working day of every English calendar month at 10.30 a.m., until further orders.

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.



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iv) The petitioner shall furnish his residential address and mobile number to the Trial Court ie., learned II Class Executive Magistrate cum Tahsildar, Dindigul West, Dindigul District.

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

sd/-
12/01/2024

/ TRUE COPY /

/01/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

RM
TO

1 THE II CLASS EXECUTIVE MAGISTRATE CUM THASILDHAR,
DINDIGUL WEST,
DINDIGUL DISTRICT.

2 THE INSPECTOR OF POLICE
THANDIKOMBU POLICE STATION,
DINDIGUL DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT PRISON, DINDIGUL.

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



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COPY TO:

THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.(CALL FOR RECORDS)

+1 CC to M/s.M.SURESH, Advocate (SR-673[I] dated 12/01/2024)

ORDER
IN
CRL MP(MD) No.363 of 2024
Date :12/01/2024

SA/SAR. /12.01.2024/5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.