



CRL MP(MD) No.587 of 2024

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

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

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.587 of 2024

in

CRL RC(MD) No.26 of 2024

KAJAMYDEEN

... PETITIONER/PETITIONER

Vs

1 THE I CLASS EXECUTIVE MAGISTRATE CUM
REVENUE DIVISIONAL OFFICER,
TRICHY.

2 THE INSPECTOR OF POLICE
CSCID, TRICHY.

... 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 detention passed by the 1st respondent in his proceedings Na.Ka.A1/MC No.31/2023 dt.8/1/2024 and release the petitioner forthwith from Central Prison, Trichy pending disposal of the main Criminal Revision Petition in Crl.RC(MD) No.26/2024.

Prayer in CRL RC(MD). 26/ 2024 :

To call for the records pertaining to the order of the 1st respondent passed in Na.Ka.A1/M.C No.31/2023 dt.08.01.2024 and set aside the same.

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.T.LENINKUMAR, Advocate for the petitioner and of MR.A.THIRUVADI

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KUMAR, Additional Public Prosecutor on behalf of the Respondents, the court made the following order:-

The petitioner has filed this Criminal Miscellaneous Petition to suspend the sentence imposed on him by the learned First Class Executive Magistrate-cum-Revenue Divisional Officer, Trichy, in Na.Ka.A1/M.C.No.31/2023 dated 08.01.2024 and to enlarge him on bail, pending disposal of the Criminal Revision Case.

2. The learned counsel for the petitioner submitted that a case has been registered against the petitioner by the second respondent/Inspector of Police, C.S.C.I.D, Trichy in Crime No.4 of 2024 for the offences punishable under Clause 6(4) of TNSC (RDCS) Order 1982 r/w. Section 7(1) (a)(ii) of the Essential Commodities Act, 1955. The learned counsel submitted that the petitioner was arrested and remanded to judicial custody on 05.01.2024. The first respondent on the recommendation of the second respondent dated 08.01.2024 has issued a show cause notice to the petitioner calling upon him to show cause as to why proceedings under Section 122(1)(b) of the Code of Criminal Procedure should not be initiated against him on the ground of violation of the terms and conditions of the bond. The show cause notice was served upon the petitioner in Central Prison, Trichy on 08.01.2024 and on the very same day, the first respondent without conducting any enquiry has passed the order of cancellation of the bond and the said copy of the order was served on the petitioner when he appeared before the first respondent and ordered to



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detain him in prison until 28.04.2024, which is contrary to law. Hence, he pleaded for suspending the detention order of the petitioner.

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 order of detention has to be suspended pending this Revision Case. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned First Class Executive Magistrate-cum-Revenue Divisional Officer, Trichy, in Na.Ka.A1/M.C.No.31/2023, dated 08.01.2024, 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 First Class Executive Magistrate-cum-Revenue Divisional Officer, Trichy.

ii) The petitioner shall appear and sign before the learned First Class Executive Magistrate-cum-Revenue Divisional Officer, Trichy, on the first working day of every English calendar month at 10.30 a.m., until further



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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.

iv) The petitioner shall furnish his residential address and mobile number to the Trial Court ie., learned First Class Executive Magistrate-cum-Revenue Divisional Officer, Trichy.

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

sd/-

22/01/2024

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22/01/2024

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

RM

TO

1 THE I CLASS EXECUTIVE MAGISTRATE CUM
REVENUE DIVISIONAL OFFICER, TRICHY.

2 THE INSPECTOR OF POLICE, CSCID, TRICHY.

3 THE SUPERINTEDENT, CENTRAL PRISON, TRICHY.

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

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+1 CC to M/s.T.LENINKUMAR, Advocate (SR-860[I] dated 22/01/2024)

ORDER

IN

CRL MP(MD) No.587 of 2024

in

CRL RC(MD) No.26 of 2024

Date :22/01/2024

RS//SAR-(22.01.2024) 5P 6C

Madurai Bench of Madras High Court is issuing
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