



CRL MP(MD) No.18177 of 2023

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

Wednesday, the Third day of January Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH
CRL MP(MD) No.18177 of 2023

in

CRL RC(MD) No.1432 of 2023

HENTRY JOESPH

... PETITIONER/PETITIONER

Vs

1 THE FIRST CLASS SUB DIVISIONAL MAGISTRATE CUM
REVENUE DIVISIONAL OFFICER,
THIRUCHANDUR, THOOTHUKUDI DISTRICT.
IN NA.KA.NO.7969/2022/A8.

2 THE INSPECTOR OF POLICE
SATTANKULAM POLICE STATION,
THOOTHUKUDI.

3 THE SUPERINTENDENT OF PRISON
DISTRICT PRISON PERURANI,
THOOTHUKUDI.

... 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 in M.C/222/2023 dt.02.06.2023 order passed by the R1 till the disposal of this Main Revision Petition.

Prayer in CRL RC(MD) No.1432 of 2023 :

To call for the records of the proceedings in M.C.No.222/2023 dated 02.06.2023 on the file of the 1st respondent 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 M/S.MANOJ KUMAR.M.S.S, Advocate for the petitioner and of MR.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondents, the court made the following order:-

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



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The petitioner has filed this Criminal Miscellaneous Petition praying to suspend the sentence passed against him by the learned First Class Sub Divisional Magistrate cum Revenue Divisional Officer, Thiruchendur in M.C.No.222 of 2023 dated 02.06.2023.

2. It is submitted by learned counsel for the petitioner that a case has been registered against the petitioner in Crime No.61 of 2023 on the file of the second respondent/Inspector of Police, Sattankulam Police Station, for the offence punishable under Section 3 of 'Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992 (Act No. 59 of 1992)' [hereinafter 'TNPPDL Act' for the sake of convenience and clarity] and the same is pending. Learned counsel for the petitioner further submitted that the first respondent has not set forth the substance or source of information received by the second respondent for initiating action against the petitioner under Section 110 of 'the Code of Criminal Procedure' [hereinafter 'Cr.P.C' for brevity] and accordingly, learned counsel prays for suspension of sentence.

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

4. 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.

5.Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence



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imposed by the learned First Class Sub Divisional Magistrate cum Revenue Divisional Officer, Thiruchendur in M.C.No.222 of 2023 dated 02.06.2023 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 First Class Sub Divisional Magistrate cum Revenue Divisional Officer, Thiruchendur.

ii) The petitioner shall appear and sign before the learned First Class Sub Divisional Magistrate cum Revenue Divisional Officer, Thiruchendur, 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.

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

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

sd/-

03/01/2024

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



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TO



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REVENUE DIVISIONAL OFFICER,
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2 THE INSPECTOR OF POLICE
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THOOTHUKUDI.

3 THE SUPERINTENDENT OF PRISON
DISTRICT PRISON PERURANI,
THOOTHUKUDI.

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

ORDER IN
CRL MP(MD) No.18177 of 2023
in
CRL RC(MD) No.1432 of 2023
Date :03/01/2024

RS/JGB/SAR-(04.01.2024) 4P 5C
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