



WEB COPY



Crl.M.P.No.20 of 2023  
in  
Crl.R.C.No.5 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

Dated: 30/1/2023

**C O R A M**

**THE Hon'ble Mr.Justice N. SATHISH KUMAR**  
a n d  
**THE HONBLE Mr.Justice N.ANAND VENKATESH**

**Crl.M.P.No.20 of 2023**  
in  
**Crl.R.C.No.5 of 2023**

Kabilan ... Petitioner

Vs

1. The Executive Magistrate  
and Deputy Commissioner of Police  
Adyar  
Chennai.

2. The Inspector of Police  
J-8 Neelankarai Police Station  
Chennai

... Respondents

**PRAYER :** Petition filed under Section 397 (1) of the Criminal Procedure Code, to suspend the sentence imposed against the petitioner in M.P.No.18 of 2022 dated 11/11/2022 by the Executive Magistrate and Deputy Commissioner of Police, Adyar District in Na.Ka.No.105/Chennai Central Police DCP/Adyar District 2022 in J 8 Neelankarai Police Station under Section 110 of Cr.P.C., Sl.No.39 of 2021 and release the petitioner on bail pending disposal of the Criminal Revision Case.



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For Petitioner ... Mr.V.Paarthiban  
For respondents ... Mr.Hasan Mohammed Jinnah  
State Public Prosecutor

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**ORDER**

This petition has been filed by the petitioner, to suspend the sentence to be imposed by the Executive Magistrate and Deputy Commissioner of Police, Adyar/first respondent, in M.P.No.18 of 2022 dated 11/11/2022.

2. Heard the learned counsel appearing on either side.

3. First respondent has passed an order, cancelling the bond executed by the petitioner, on the ground that he has violated the terms of the bond and has directed the petitioner to be detained in the prison.

4. All the cases where such orders are passed to detain, on the ground of violation of the terms of bond has been referred to this Bench and this Bench has also formulated the questions which requires an authoritative pronouncement. Since a larger issue is involved in all these cases on the very power and jurisdiction of the Executive Magistrates to impose punishment of imprisonment and fine, we are inclined to suspend the order



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passed by the first respondent and release the petitioner on bail, by imposing the following conditions:-

(i). The petitioner shall execute own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of Central Jail, Puzhal, Chennai.

(ii). The petitioner shall appear before the second respondent Police on every Friday, at 5.30 p.m., until further orders.

(iii). The Superintendent of Central Jail, Puzhal, Chennai, is directed to set the petitioner at liberty, if his further detention is no longer required in connection with any other case or proceedings.

(N.S.K.,J) (N.A.V.,J)  
30<sup>th</sup> January 2023

mvs.



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**N.SATHISH KUMAR,J**

**A N D**

**N.ANAND VENKATESH,J**

mvs.

To

1. The Executive Magistrate  
and Deputy Commissioner of Police  
Adyar  
Chennai.
2. The Inspector of Police  
J-8 Neelankarai Police Station  
Chennai
3. The Public Prosecutor  
High Court, Madras
4. The Superintendent of Central Jail  
Puzhal  
Chennai.

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