



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

Tuesday, the Ninth day of February Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice V.S.RAVI

CRL MP(MD) Nos.1175 and 1176 of 2016
IN
CRL RC(MD) No.59 of 2016

BALU

...PETITIONER/PETITIONER IN BOTH THE PETITIONS

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
VENGAMEDU POLICE STATION,
KARUR.
(CRIME NO.296/2012)

...RESPONDENT/RESPONDENT IN BOTH THE PETITIONS

Prayer in CRL MP(MD) Nos.1175 of 2016 in CRL RC(MD)No.50 of 2016

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence of Imprisonment imposed by the learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Karur in Crl.A.No.49 of 2014 by the Judgment dated 09.12.2015, confirming the conviction and sentence of imprisonment imposed by the learned Judicial Magistrate No.I, Karur in C.C.No. 208 of 2012 by the Judgment dated 16.10.2014 and enlarge the petitioner on bail, pending disposal of the Criminal Revision.

Prayer in CRL MP(MD) Nos.1176 of 2016 in CRL RC(MD)No.50 of 2016

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to dispense with the surrender of the petitioner in pursuant to the judgment dated 09.12.2015 by the learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Karur in Crl.A.No. 49 of 2014, confirming the Judgment and conviction passed by the learned Judicial Magistrate NO.1, Karur in C.C.No.208 of 2012 dated 16.10.2014 pending disposal of Crl RC.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S S.DEENADHAYALAN, Advocate for the petitioner for both the petitions and of MR.P.KANDASAMY, Government Advocate (Crl.Side) on behalf of the Respondent for both the petitions the court made the following order:-

This is an application (Crl.M.P.No.1175 of 2016) filed by the petitioner/Accused to suspend the sentence imposed on him dated 09.12.2015 made in Crl.A.No.49 of 2014 passed by the learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Karur, confirming the conviction and sentence of imprisonment dated 16.10.2014 made in C.C.No.208 of 2012 passed by the learned Judicial Magistrate No.1, Karur in C.C.No.208 of 2012, wherein the petitioner has been convicted and sentenced to undergo 6 months S.I. and to pay a fine of Rs.1,000/- in default to undergo 1 month S.I. for an offence under Section 304-A of I.P.C.



2.It is pointed by the learned counsel for the petitioner/accused that the petitioner already paid the fine amount of Rs.1,000/- on 16.10.2014 and he has produced the receipt before this Court.

3.It is stated in the ground of revision that there are material contradictions with regard to the mode of accident and it is highly impossible for any one to drive the vehicle in a speedy manner at the place of occurrence, since the place is a highly busiest area in that locality and the topography of the said area would disclose the fact that the petitioner would not have driven the vehicle in a speedy manner.

4.It is further stated by the learned counsel for the petitioner that both the Courts below have failed to appreciate the evidence of P.Ws.1,4 and 5 in a proper perspective

5.On a Perusal of the materials available on records, it is found that there are certain force in the points raised in the grounds of revision. From the submissions made on behalf of the petitioner, this Court finds that there are substantial and arguable points in the present case. Further, it is also seen that if certain stringent conditions are imposed, there is no chance for the accused to abscond. Further, after hearing the main revision alone, the correct and proper finding in the main case can be given.

6.Further, it is seen that various points raised in the grounds of revision require an indepth/threadbare examination at the time of final hearing of the main revision and also on going through the various grounds raised in the grounds of revision at this stage, this Court, in order to prevent aberration of justice, suspends the substantial sentence of imprisonment alone, pending disposal of the above criminal revision, with the following conditions:

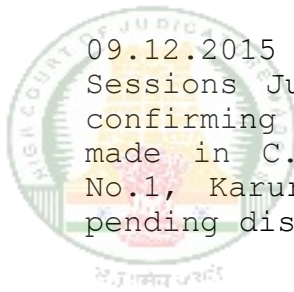
i)the petitioner/Accused shall be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a likesum to the satisfaction of the Judicial Magistrate No.1, Karur;

ii)the petitioner/accused shall appear before the said Court once in a month i.e. on the first working day of every month until further orders, failing which the said Court is directed to inform about the details of failure committed by the petitioner in complying with the said conditions, to the Registry of this Court, forthwith.

iii)the petitioner/accused shall furnish his present full details of his residential address along with the copies of the family ration card/Aadhar Card/voter ID card issued by the Election Commission of India and also phone numbers(mobile/landline) if any to the said Court in the form of an affidavit, after serving an advance true copy of the same to the respondent; and

iv)on receipt of the true copy of the said affidavit, the respondent is directed to verify the veracity of the particulars given in the said affidavit and also liberty is granted to respondent to take appropriate follow up action, in accordance with law.

<https://hcservices.ecourts.gov.in/hcservices/> Above mentioned facts and circumstances, CrI.M.P.(MD) No.1176 of 2016 is allowed and the surrender of the petitioner/accused is dispensed with in pursuant to the sentence imposed on him dated



09.12.2015 made in Crl.A.No.49 of 2014 of 2014 passed by the learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Karur, confirming the conviction and sentence of imprisonment dated 16.10.2014 made in C.C.No.208 of 2012 passed by the learned Judicial Magistrate No.1, Karur in C.C.No.208 of 2012 and enlarge the petitioner on bail, pending disposal of the criminal revision.

sd/-

09/02/2016

WEB COPY

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE SESSIONS JUDGE, MAHALIR NEETHIMANDAM (FAST TRACK MAHILA COURT)
KARUR

2 THE JUDICIAL MAGISTRATE NO.1
KARUR

3 DO THRO THE CHEIF JUDICIAL MAGISTRATE
KARUR DISTRICT

4 THE INSPECTOR OF POLICE
VENGAMEDU POLICE STATION, KARUR.

5 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2. C.C. to M/S S.DEENADHAYALAN Advocate SR.No.7705,7706.

ORDER

IN

CRL MP(MD) Nos.1175 and 1176 of 2016

IN

CRL RC(MD) No.59 of 2016

Date :09/02/2016

AM/10.02.2016/NGM.SS/SAR-I/3P/8C