



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

Tuesday, the Eighth day of March Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice V.S.RAVI

CRL MP(MD) No.1713 & 1714 of 2016

IN

CRL RC(MD) No.105 of 2016

SENTHILKUMAR

... PETITIONER/PETITIONER
IN BOTH THE PETITIONS

Vs

State rep.by its,
THE INSPECTOR OF POLICE
THENNILAI POLICE STATION,
KARUR DISTRICT.
(CR.NO. 372 OF 2010)

... RESPONDENT/RESPONDENT
IN BOTH THE PETITIONS

Prayer in CRL MP(MD). 1713/ 2016 & CRL RC(MD) No.105 of 2016 :

Petition filed under section 482 of Cr.P.C., praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence passed in Crl.A.No. 3 of 2013 dated 23.11.2015 on the file of the Mahila Fast Track Court, Karur modify the order passed in C.C.No. 126 of 2012 dated 06.04.2013 on the file of the Chief Judicial Magistrate, Karur and release the petitioner on bail pending disposal of the above Crl.R.C.

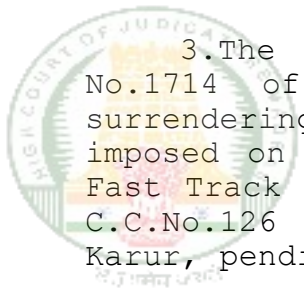
Prayer in CRL MP(MD). 1714/ 2016 & CRL RC(MD) No.105 of 2016 :

Petition filed under section 482 of Cr.P.C., praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to exempt me from surrender before the court, pending disposal of the Crl.R.C.

Order : These petitions coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of M/S R.MATHIYALAGAN, Advocate for the petitioner in both the petitions and of Mr.P.Kandasamy, Government Advocate (Crl.side) on behalf of the Respondents in both the petitions, the court made the following order:-

Crl.M.P.(MD).No.1713 of 2016, is filed by the petitioner to suspend the sentence imposed on him in Crl.A.No.3 of 2013, dated 23.11.2015, by the Mahila Fast Track Court, Karur modifying the judgment dated 06.04.2013 made in C.C.No.126 of 2012, passed by the learned Chief Judicial Magistrate, Karur, pending disposal of the revision.

2.It is clearly stated in the affidavit enclosed with the petition that the revision petitioner has filed this revision petition as against the judgment and sentence passed by the Mahila Fast Track Court, Karur in Crl.A.No.3 of 2013, dated 23.11.2015, modifying the judgment and sentence imposed by him in C.C.No.126 of 2012, dated 06.04.2013. Further, it is stated in the affidavit that the fine amount has been paid already and also the petitioner is having a permanent residence.



3.The petitioner has filed another application in CrI.M.P.(MD). No.1714 of 2016 to pass an order exempting the petitioner from surrendering before the lower Court in connection with the sentence imposed on him in CrI.A.No.3 of 2013, dated 23.11.2015, by the Mahila Fast Track Court, Karur confirming the judgment dated 06.04.2013 made in C.C.No.126 of 2012, passed by the learned Chief Judicial Magistrate, Karur, pending disposal of the revision.

4.Further, in the grounds of revision, it is pertinently pointed out that the lower Appellate Court has failed to consider that P.W.4 R.T.O., in his evidence has clearly stated that there is only a damage in the back side of the lorry spare tire. Further, the lower Appellate Court has failed to consider that the lorry has proceeded from West to East and the deceased also came from West to East and only, the deceased has dashed the two wheeler in the backside of the lorry. Further, the lower appellate Court has failed to consider P.W.1 is a son-in-law of the deceased and no independent witness has been examined by the respondent.

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 petitioner/accused to abscond. Further, after hearing the main revision alone, the correct and proper finding in the main case can be given. Further, the petitioner is having permanent residence and also in order to establish that, in the form of additional typed set of papers, the learned counsel for the petitioner has produced the petitioner's Driving License, Family Card, Voter Identity Card and Aadhar Card.

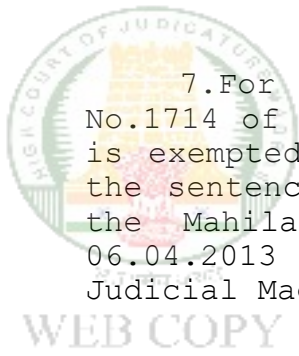
6.Further it is seen that various points raised in the grounds of revision require an indepth/threadbare examination at the time of final hearing of the main revision and also on going through the various grounds raised in the grounds of revision at this stage, this Court, to prevent aberration of justice,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

i)the petitioner/Revision 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 for a like sum to the satisfaction of the learned Chief Judicial Magistrate, Karur.

ii)the petitioner/Revision Petitioner/accused shall appear before the said Court once in a month viz., 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/Revision 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 issued by the Election Commission of India and also phone number(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 shall verify the veracity of the particulars given in the said affidavit and also liberty is granted to the respondent to take appropriate follow up action, in accordance with law.



7. For the above mentioned facts and circumstances, Crl.M.P.(MD). No.1714 of 2016 is allowed and the petitioner/Revision Petitioner/Accused is exempted from surrendering before the lower Court in connection with the sentence imposed on him in Crl.A.No.3 of 2013, dated 23.11.2015, by the Mahila Fast Track Court, Karur confirming the judgment dated 06.04.2013 made in C.C.No.126 of 2012, passed by the learned Chief Judicial Magistrate, Karur, pending disposal of the revision.

sd/-
08/03/2016

/ TRUE COPY /

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

TO

- 1 THE MAHILA FAST TRACK COURT, KARUR
- 2 -do-thro THE CHIEF JUDICIAL MAGISTRATE, KARUR
- 3 THE INSPECTOR OF POLICE
THENNILAI POLICE STATION,
KARUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S R.MATHIYALAGAN Advocate SR.No.13075

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ORDER
IN
CRL MP (MD) No.1713 & 1714 of 2016
IN
CRL RC (MD) No.105 of 2016
Date :08/03/2016