



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

Wednesday, the Second day of March Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice V.S.RAVI

CRL MP(MD) No.1741 and 1742 of 2016

IN

CRL RC(MD) No.107 of 2016

PALANISAMY

... PETITIONER/PETITIONER
IN BOTH THE PETITIONS

Vs

State rep.by its
THE INSPECTOR OF POLICE
VENGAMEDU POLICE STATION,
KARUR DISTRICT.
(CR.NO. 7 OF 2007)

... RESPONDENT/RESPONDENT
IN BOTH THE PETITIONS

Prayer in CRL MP(MD). 1741/ 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. 16 of 2013 dated 22.12.2015 on the file of the Mahila Fast Track Court, Karur modify the order passed in C.C.No. 32 of 2013 dated 22.07.2013 on the file of the Chief Judicial Magistrate, Karur and release the Petitioner on bail pending disposal of the above Crl.R.C.

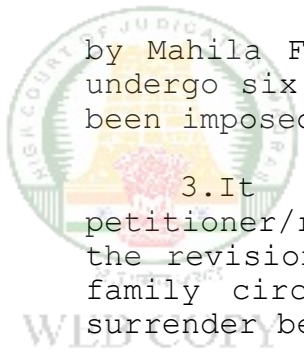
Prayer in CRL MP(MD). 1742/ 2016 :

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 the petitioner from surrender before the court in Crl.A. No. 16 of 2013 dated 22.12.2015 on the file of the Mahila Fast Track Court, Karur modify the order passed in C.C.No. 32 of 2013 dated 22.07.2013 on the file of the Chief Judicial Magistrate, Karur pending disposal of the above 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 Respondent in both the petitions, the court made the following order:-

Crl.M.P.(MD) No.1741 of 2016 is filed by the petitioner/revision petitioner/sole accused to suspend the sentence imposed on him in C.A.No.16 of 2013 dated 22.12.2015 by the learned Mahila Fast Track Court, Karur, modifying the judgment dated 22.07.2013 made in C.C.No.32 of 2013 passed by the learned Chief Judicial Magistrate, Karur, pending disposal of the revision.

2.It is specifically stated in the affidavit enclosed with the <https://hcservices.courts.gov.in/hcservices/> the petitioner has been convicted for the offence under Section 304(A) of I.P.C. and sentenced to undergo one year rigorous imprisonment. It is also stated that the said judgment has been modified



by Mahila Fast Track Court, Karur and the sentence has been modified to undergo six months rigorous imprisonment. It is reported that no fine has been imposed.

3.It is further submitted in the affidavit that the petitioner/revision petitioner/Accused has the fair chance of success in the revision and there is prima facie case in his favour and due to his family circumstances and his livelihood, he is not in a position to surrender before the Court below.

4.The petitioner has filed another application in CrI.M.P.(MD) No.1742 of 2016 to pass an order for exempting the petitioner/revision petitioner/Accused from surrendering before the lower Court in connection with the sentence imposed on him in C.A.No.16 of 2013 dated 22.12.2015 by the learned Mahila Fast Track Court, Karur, modifying the judgment dated 22.07.2013 made in C.C.No.32 of 2013 passed by the learned Chief Judicial Magistrate, Karur, pending disposal of the revision, pending disposal of the criminal revision.

5.It is specifically pointed out in the grounds of revision that the petitioner is the only breadwinner of the family and he has to take care of his aged parents. In order to prove the permanent residence of the petitioner, the petitioner has produced copies of family ration card, Aadhar card and voter ID card.

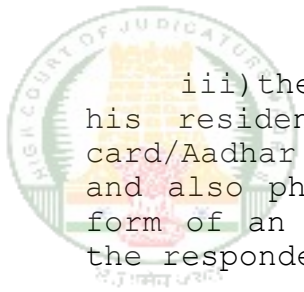
6.Further, in the grounds of revision, it is stated that the prosecution witnesses have not given any cogent evidence to establish the guilty of the revision petitioner and the accident has happened only on the southern side of the east west road and the driver of the mini door auto has caused the accident and the revision petitioner is not responsible for the accident. The Courts below have failed to consider the materials in a proper perspective.

7.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.

8.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 likesum to the satisfaction of the learned Chief Judicial Magistrate, Karur.

ii)the petitioner/Accused shall appear before the said Court once in a month viz., first working day of every month until further orders, 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.

9. For the above mentioned facts and circumstances, Crl.M.P.(MD) No.1742 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 C.A.No.16 of 2013 dated 22.12.2015 by the learned Mahila Fast Track Court, Karur, modifying the judgment dated 22.07.2013 made in C.C.No.32 of 2013 passed by the learned Chief Judicial Magistrate, Karur, pending disposal of the criminal revision.

sd/-
02/03/2016

/ 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 THE CHIEF JUDICIAL MAGISTRATE, KARUR
- 3 THE INSPECTOR OF POLICE
VENGAMEDU 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.11868

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ORDER
IN
CRL MP(MD) No.1741 & 1742 of 2016
IN
CRL RC(MD) No.107 of 2016
Date :02/03/2016