



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

Tuesday, the First day of March Two Thousand Sixteen

PRESENT

THE HON`BLE MR JUSTICE V.S.RAVI

CRL MP(MD) No.1863 and 1864 of 2016
IN
CRL RC(MD) No.112 of 2016

DHANAPAL

... PETITIONER/PETITIONER
IN BOTH THE PETITIONS

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
USILAMPATTI TALUK POLICE STATION,
MADURAI DISTRICT.
(CRIME NO. 14 OF 2010)

... RESPONDENTS/RESPONDENTS
IN BOTH THE PETITIONS

PRAYER IN CRL MP(MD)NO.1863/2016 IN CRL.RC(MD)NO.112/2016:

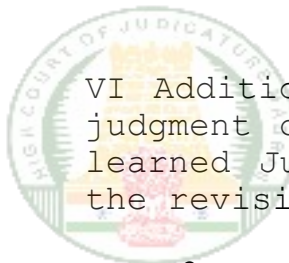
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence passed in C.A.No. 19 of 2014 on the file of the VI Additional District and Sessions Court, Madurai by his Judgement dated 15.12.2015 confirming the Judgement passed in C.C.No. 27 of 2010 dated 17.03.2014 on the file of the Learned Judicial Magistrate No.I, Usilampatti pending disposal of the Crl.R.C.

PRAYER IN CRL MP(MD)NO.1864/2016 IN CRL.RC(MD)NO.112/2016:

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased To exempt the petitioner to surrender before the Lower Appellate Court in C.A.No. 19 of 2014 on the file of the VI Additional District and Sessions Court, Madurai by his Judgement dated 15.12.2015

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

Crl.M.P. (MD) No.1863 of 2016 is filed by the
<https://hcservices.ecourts.gov.in/hcservices/>
petitioner/revision petitioner/sole accused to suspend the sentence imposed on him in C.A.No.19 of 2014 dated 15.12.2015 by the learned



VI Additional District and Sessions Judge, Madurai, confirming the judgment dated 17.03.2014 made in C.C.No.27 of 2010 passed by the learned Judicial Magistrate No.1, Usilampatti, pending disposal of the revision.

2.It is specifically stated in the affidavit enclosed with the petition that the petitioner has been convicted for the offence under Section 304(A) of I.P.C. and sentenced to undergo six months rigorous imprisonment and to pay a fine of Rs.1,000/- in default to undergo 2 weeks simple imprisonment. It is also stated that the said judgment has been confirmed by the learned VI Additional District and Sessions Judge, Madurai in C.A.No.19 of 2014. It is reported that fine amount has already been paid and the accused is not in jail.

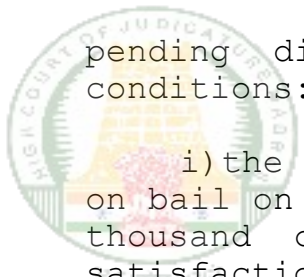
3.It is further submitted in the affidavit that the petitioner/revision petitioner/Accused has the fair chance of success in the revision and there is prima facie case in his favour and due to his family circumstances and his livelihood, he is not in a position to surrender before the Court below.

4.The petitioner has filed another application in CrI.M.P.(MD) No.1864 of 2016 to pass an order exempting the petitioner/revision petitioner/Accused from surrendering before the lower Court in connection with the sentence imposed on him in C.A.No.19 of 2014 dated 15.12.2015 by the learned VI Additional District and Sessions Judge, Madurai, confirming the judgment dated 17.03.2014 made in C.C.No.27 of 2010 passed by the learned Judicial Magistrate No.1, Usilampatti, pending disposal of the criminal revision.

5.It is specifically pointed out in the grounds of revision that P.Ws.1 and 5 have not deposed directly about the rash and negligent driving on the part of the petitioner. Further, P.W.2 has also not spoken about the rash and negligent driving of the accused and the Courts below have ignored to appreciate the material evidence in a proper perspective and in the complaint, the number of the vehicle and the name of the driver has not been mentioned, but, subsequently, in the FIR Ex.P4, the same have been mentioned.

6.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.

7.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 each for a likesum to the satisfaction of the learned Judicial Magistrate No.I, Usilampatti.

ii) the 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/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.

8. For the above mentioned facts and circumstances, CrI.M.P. (MD) No.1864 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.19 of 2014 dated 15.12.2015 by the learned VI Additional District and Sessions Judge, Madurai, confirming the judgment dated 17.03.2014 made in C.C.No.27 of 2010 passed by the learned Judicial Magistrate No.1, Usilampatti,, pending disposal of the criminal revision.

sd/-
01/03/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.I, USILAMPATTI

2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT

<https://hcservices.courts.gov.in/hcservices/>
3 THE VI ADDITIONAL DISTRICT AND SESSIONS JUDGE, MADURAI.



4 THE INSPECTOR OF POLICE, USILAMPATTI TALUK POLICE STATION,
MADURAI DISTRICT.

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

+2. C.C. to M/S K.SIVABALAN Advocate SR.No.11689, 11690

ORDER

IN

CRL MP (MD) No.1863

AND 1864 of 2016

IN

CRL RC (MD) No.112 of 2016

Date :01/03/2016

GJM/SKS/RR/SAR-I-4.3.16-4P-8c