



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

Thursday, the Eleventh day of August Two Thousand Sixteen

PRESENT

The Hon`ble Dr.Justice P.DEVADASS

CRL MP (MD) No.6816 of 2016

IN

CRL RC (MD) No.541 of 2016

G.SURESH KUMAR

... PETITIONER/APPELLANT.

Vs

THE STATE REP.BY

THE INSPECTOR OF POLICE

TRAFFIC SOUTH INVESTIGATION POLICE STATION,

CANTONMENT POLICE STATION COMPLEX, TRICHY,

TRICHY DISTRICT.

CR.NO.28/2009

... RESPONDENT/RESPONDENT.

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed in Crl.A. No.03 of 2015 on the file of III Additional District Judge, Trichy dated on 10.10.2015 in C.C. No.59 of 2011 on the file of Chief Judicial Magistrate, Trichy dated 18.12.2014 and enlarge me on bail pending disposal of the above said revision.

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

The sole accused in C.C.No.59 of 2011, on the file of the learned Chief Judicial Magistrate, Tiruchirappalli, while challenging his conviction and sentence of the Trial Court and the Appellate Court, seeks revision bail under Section 397(1) r/w 401 Cr.P.C.

2. In the Trial Court, he was convicted and sentenced as detailed below:

Conviction	Sentence
Section 279 I.P.C.	Fine Rs.500/-, i/d 7 Days S.I.
Section 337 I.P.C. (14 Counts)	Fine Rs.500/- (each count), i/d 7 Days S.I. (each count)
Section 338 I.P.C. (3 Counts)	Fine Rs.1,000/- (each count), i/d 15 Days S.I. (each count)
Section 304-A I.P.C.	1 Year R.I. + Fine Rs.1,000/-, i/d 1 Month S.I.



3. Fine amounts have been paid. Now, the petitioner has been lodged in Central Prison, Trichy.

4. His Criminal Appeal in C.A.No.3 of 2015 has been dismissed by the learned III Additional District Judge, Tiruchirapalli.

5. The learned counsel for the petitioner contended that the evidence of P.Ws.2, 6 and 14 would clearly disclose that it was an incident of accident and it was not due to the rash and negligent driving of the accused. Further, there is evidence to show that at the time of the said accident, a Government Bus tried to overtake the vehicle driven by the accused and that has contributed to the accident. These aspects were overlooked by the Trial Court. The Trial Court has not viewed the evidence in proper perspective. There is prima facie case in favour of the petitioner.

6. The learned Government Advocate (Criminal Side) submitted that the Trial Court as well as the Appellate Court have rightly convicted and appropriately punished the revision petitioner. There is no prima facie case in his favour.

7. I have anxiously considered the rival submissions, perused the averments in the bail petition, impugned Judgment and the relevant evidence on record.

8. Very many legal aspects and technical issues have been raised, which are required to be examined in detail in the revision. It will take sometime for its disposal. I find prima facie case in his favour. I am inclined to grant him revision bail.

9. Ordered as under:

- (i) Revision bail granted to the petitioner.
- (ii) His sentence of imprisonment alone is suspended.
- (iii) There shall be two sureties, they and the petitioner shall execute a bond for Rs.15,000/- (Rupees fifteen thousand only) each to the satisfaction of the learned Chief Judicial Magistrate, Tiruchirapalli.
- (iv) The petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m., until further orders.

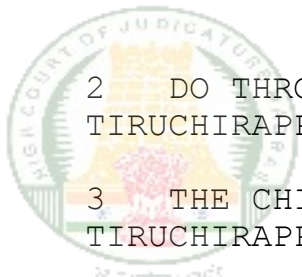
sd/-
11/08/2016

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

TO

<https://hcservices.courts.gov.in/hcservices/>
THE III ADDITIONAL DISTRICT JUDGE,
TIRUCHIRAPPALLI.



2 DO THRO THE PRINCIPAL DISTRICT JUDGE,
TIRUCHIRAPPALLI.

3 THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI.

4 THE GOVERNMENT ADOVCATE (CRIMINAL SIDE),
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

5 THE SUPERINTENDENT
CENTRAL PRISON, TIRUCHIRAPPALLI.

6 THE INSPECTOR OF POLICE
TRAFFIC SOUTH INVESTIGATION POLICE STATION,
CANTONMENT POLICE STATION COMPLEX, TRICHY,
TRICHY DISTRICT.

+1. C.C. to M/S R.SUNDAR Advocate SR.No.43702

ORDER
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IN
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Date :11/08/2016

AM/GSV.PM/SAR-I/11.08.2016/3P/8C