



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

Tuesday, the Thirtieth day of August Two Thousand Sixteen

PRESENT

The Hon`ble Dr.Justice P.DEVADASS

CRL MP (MD) No.7508 of 2016
IN
CRL RC (MD) No.584 of 2016

KUMARAGURU

... PETITIONER/APPELLANT/ACCUSED

Vs

STATE REP.BY ,
THE INSPECTOR OF POLICE
TRAFFIC NORTH POLICE STATION,
TRICHY.

CRIME NO. 170 OF 2012

... RESPONDENT/RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the conviction and sentence imposed in Crl.A. No.88/2015 dated 04.07.2016 on the file of the learned III Additional District Judge, Tiruchirapalli confirming the Judgment of conviction and sentence imposed by the learned Judicial Magistrate No. 1, Tiruchirapalli in C.C.No. 268/2015 dated 16.11.2015 pending disposal of the above Crl.R.C.

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

The petitioner challenges the legality and propriety of the conviction and sentence recorded by the Trial Court as well as by the Appellate Court.

2. The revision petitioner is an accused in C.C.No.268 of 2012, on the file of the learned Judicial Magistrate No.I, Tiruchirapalli.

3. In the said Court, the petitioner has been convicted and sentenced as under:

Conviction	Sentence
Section 304-A I.P.C.	6 Months S.I. + Fine Rs.2,000/-, i/d 1 Month S.I.

4. Fine amount has been paid.

<https://hcservices.ecourts.gov.in/hcservices/>

5. The learned III Additional District Judge, Tiruchirapalli,



confirmed the conviction and sentence and dismissed the Criminal Appeal No.88 of 2015.

6. The learned counsel for the petitioner submitted that there are very many legal infirmities in the conviction recorded by the Trial Court and by the Appellate Court and they are required to be revised. There is *prima facie* case in favour of the petitioner.

7. 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.

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

9. Perusing the impugned judgments and the materials on record, I am of the view that certain eminently arguable points are involved in this criminal revision. They are required to be examined in detail in the main criminal revision. It will take some time for the disposal of this criminal revision. Further, the petitioner was on bail in the Trial Court. I see *prima facie* case. I am inclined to grant revision bail to the petitioner.

10. In view of the foregoing, ordered as under:

- (i) Revision bail granted.
- (ii) Sentence of imprisonment ordered by the Trial Court as confirmed by the Appellate Court 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 Judicial Magistrate No.I, Tiruchirappalli.
- (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/-
30/08/2016

/ TRUE COPY /

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

TO

1. The III Additional District Judge,
Tiruchirappalli.



2.The Judicial Magistrate No.I,
Tiruchirappalli.

3.Do Through The Cheif Judicial Magistrate,
Tiruchirappalli.

4.The Government Advocate (Criminal Side),
Madurai Bench of Madras High Court,
Madurai.

5.The Inspector of Police,
Traffic North Police Station,
Trichy.

6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Krk

CSL/DB/SAR-I/02.09.2016: 3p/7c

ORDER

IN

CRL MP (MD) No.7508 of 2016

IN

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Date :30/08/2016

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