

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Tenth day of March Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL MISCELLANEOUS PETITION No.2926 of 2017

IN CRL RC.303/2017

KANNADASAN,

[PETITIONER]

Vs

STATION HOUSE OFFICER,
PUDUCHATHIRAM POLICE STATION,
CUDDALORE.
CR.NO.155 OF 2012

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.303/2017 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner in C.C.NO.12 of 2013 by the learned District Munsif cum Judicial Magistrate, Parangipettai on 22.09.2015 confirmed the conviction and sentence by the learned II Additional District and Sessions Judge, Chidambaram in C.A.NO.96 of 2015 dated 22.11.2016 pending criminal revision petition

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.303/2017 on the file of the High Court and upon hearing the arguments of MR.M/S.C.RAMKUMAR, Advocate for the petitioner and of MR. R.RAVICHANDRAN Government Advocate[crl.sdie]on behalf of the Respondent the court made the following order:-

Petitioner is a sole accused in C.C.No.12 of 2013 on the file of the learned District Munsif cum Judicial magistrate, Parangipettai. He stood charge for the offence under section 279 and 304(A) IPC and the Trial Court convicted the petitioner for both the charges and sentenced to undergo rigorous imprisonment for six months for the offence under section 304(A) and no sentence was awarded for section 279 IPC. Challenging the same, petitioner preferred an appeal in C.A.No.96 of 2015 and the appellate court also confirmed the conviction and sentence.

2.Challenging the above said conviction and sentence, the present revision has been filed along with the petitions for suspension of sentence.

3. Heard Mr.C.Ramkumar, learned counsel for the petitioner and Mr.R.Ravichandran, learned Governmnet Advocate(Crl. side) appearing for the respondent and perused the impugned judgment and the materials on record.

4. Learned counsel for the petitioner submitted that the petitioner is only driving a two wheeler and while crossing the road, he dashed against the deceased and there is no negligence on his part.

5. I have considered the submissions made and perused the materials available on record and I find some arguable points in the revision. In the above circumstances, I am inclined to suspend the substantive sentence alone. Accordingly, pending appeal, sentence of imprisonment alone is suspended and the petitioner is released on bail on executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the District Munsif cum Judicial Magistrate, Parangipettai with further condition that he shall appear before the said court on the first working day of every month at 10.30 a.m.,until further orders.

-sd/-
10/03/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, PARANGIPETTAI

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE[FOR INFORMATION]

3. THE II ADDITIONAL DISTRICT AND
SESSIONS JUDGE, CHIDAMBARAM

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 STATION HOUSE OFFICER,
PUDUCHATHIRAM POLICE STATION,
CUDDALORE.

+1 C.C. to M/S.C.RAMKUMAR Advocate on payment of necessary charges SR.NO. 4647

Order

in
CRL MP.2926/2017

in
CRL RC.303/2017

Date :10/03/2017

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RD 15/03/2017