

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Wednesday, the Twenty Second day of March Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL MISCELLANEOUS PETITION No.3013 of 2017

IN CRL RC.320/2017

VENKATESAN

[ PETITIONER ]

Vs

STATE REP. BY ,  
INSPECTOR OF POLICE,  
TRAFFIC INVESTIGATION UNIT,  
J-3, GUINDY POLICE STATION,  
CHENNAI.

[ RESPONDENT ]

Petition praying that in the circumstances stated therein the High Court will be pleased to suspend the sentence in C.A.No.132 of 2014 by the learned IV Additional Sessions Judge, Chennai in the judgment dated 15.11.2015 confirming the judgment of conviction and sentence passed by the Learned IV Metropolitan Magistrate, Saidapet, Chennai-15, by the judgment dated 05.02.2014 made in C.C.No.171 of 2009 pending CRL RC.NO.320/2017 [IN CRL.MP.NO.3013 OF 2017]

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.S.GUNASEELAN, Advocate for the petitioner and of MR. R. RAVICHANDRAN, Govt. Advocate ( Crl. Side) on behalf of the Respondent the court made the following order:-

Petitioner was convicted for an offence under Section 304-A of IPC and sentenced to undergo simple imprisonment for one year and to pay a fine of Rs.5000/-, in default, to undergo simple imprisonment of one month by learned IV Metropolitan Magistrate, Saidapet, Chennai, by a judgment dated 05.02.2014 in C.C.No.171 of 2009. Challenging the same, petitioner preferred an appeal in C.A.No.132 of 2014 on the file of learned IV Additional Sessions Judge, Chennai, and the lower appellate court dismissed the appeal by a judgment dated 15.11.2016. Aggrieved by which, the present revision has been filed.

2. Crl.M.P.No.3013 of 2017 has been filed seeking suspension of sentence imposed on the petitioner and Crl.M.P.No.4376 of 2017 has been filed seeking exemption from surrendering before the trial court.

3. The learned counsel appearing for the petitioner would submit that on the evidence available on record no negligence can be attributed to the petitioner and the Motor Vehicle Inspector Report also would support the case of the prosecution.

4. Heard the learned counsel appearing for the petitioner and perused the impugned judgment and the materials available on record carefully.

5. Taking into consideration of the submission of the learned counsel, since there are some arguable points involved in the revision, I am inclined to suspend the substantive sentence of imprisonment alone.

6. Accordingly, pending revision, **substantive 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 IV Metropolitan Magistrate, Saidapet, Chennai - 15, 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. The surrender of the petitioner before the trial Court is exempted.

-sd/-  
22/03/2017

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 METROPOLITAN MAGISTRATE,  
NO.IV, SAIDAPET, CHENNAI-15.

2 THE CHIEF METROPOLITAN  
MAGISTRATE, EGMORE, CHENNAI  
[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
TRAFFIC INVESTIGATION UNIT,  
J-3, GUINDY POLICE STATION,  
CHENNAI.

+1C.C. to M/S.S.GUNASEELAN Advocate on payment of necessary  
charges SR NO.5468

Order

in  
CRL MP.3013/2017

in  
CRL RC.320/2017

Date :22/03/2017

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MK:28/03/2017