

Crl.M.P.No.5193 of 2017
in
Crl.R.C.No.585 of 2017

V.BHARATHIDASAN, J.,

The petitioner seeks suspension of his sentence of imprisonment in Crl.M.P.No.5193 of 2017.

2. The petitioner faced trial in C.C.No.24 of 2014 on the file of the III Metropolitan Magistrate, George Town, Chennai and the trial Court, by a judgment dated 19.05.2016, convicted the petitioner for the offences under Sections 304(A)(2 counts) and 337 IPC and 184 of Motor vehicles Act and sentenced to undergo rigorous imprisonment for one year for each counts and to pay a fine of Rs.2000/- each, in default, to undergo simple imprisonment for one month for each counts and to undergo rigorous imprisonment for two months for the offence under Section 337 IPC and imposed a sum of Rs.1000/-, in default, to undergo simple imprisonment for two weeks for the offence under section 184 of Motor Vehicles Act and the trial court ordered the sentences to run concurrently.

3. Challenging the above said conviction and sentence, the petitioner had preferred an appeal in C.A.No.172 of 2016 on the file of the

XVIII Additional Sessions Court, City Civil Court, Chennai, and the lower appellate court confirmed the conviction and sentence and dismissed the appeal, by a judgment dated 24.01.2017.

4. Challenging the same, the present revision has been filed along with the petition for suspension of sentence.

5. The learned counsel appearing for the petitioner submits that the petitioner is confined at Central Prison, Puzhal, Chennai. He also submits that there are 4 eye-witnesses to the occurrence and all the witnesses had not stated that the petitioner has driven the vehicle in a rash and negligent manner and while the deceased was trying to cross the road as the petitioner was not able to control the vehicle, he dashed against the deceased and thereafter dashed against the statue.

6. Heard the learned counsel appearing for the petitioner and perused the impugned judgments and the materials available on record.

7. Taking into consideration of the submission of the learned counsels appearing on both sides, since there are some arguable points involved in the revision, I am inclined to suspend the substantive sentence of imprisonment alone.

8. Accordingly, pending revision, **substantive sentence of imprisonment alone is suspended** and the petitioner is directed to be enlarged on bail on condition that he shall execute 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 III Metropolitan Magistrate, George Town, Chennai 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.

12.04.2017

mrp

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V.BHARATHIDASAN, J.,

mrp

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