

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eighteenth day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice R. SURESH KUMAR

CRIMINAL MISCELLANEOUS PETITION No.8288 of 2017

IN CRL RC.885/2017

SHAJAHAN

[PETITIONER]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
VAITHESWARAN KOIL POLICE STATION,
NAGAPATTINAM, DISTRICT.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL RC.885/2017 on the file of the High Court, the High Court will be pleased to suspend the sentence of punishment passed by the Learned Judicial Magistrate, Sirkali in C.C.No.205 of 2008 dated 07.08.2012 against the petitioner/accused and the same was confirmed in Criminal Appeal in Crl.A.No.39/2012 dated 04.12.2014 on the file of the Learned District and Sessions Judge, Nagapattinam till the disposal of the above Main CRL RC.885/2017 [IN CRL.MP.NO.8288 OF 2017]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL RC.885/2017 on the file of the High Court and upon hearing the arguments of M/S.A.RAJESH KANNA, Advocate for the petitioner and of MR.C.IYYAPPARAJ, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

This petition has been filed to suspend the sentence of imprisonment imposed on the petitioner in C.C.No.205 of 2008 on the file of the learned Judicial Magistrate, Sirkali by a Judgment dated 07.08.2012 and the same was confirmed by the Appellate Court in Crl.A.No.39 of 2012 on the file of the learned District and Sessions Judge, Nagapattinam by a Judgment dated 04.12.2014.

2. The learned counsel for the petitioner submits that the petitioner, who was the driver of the vehicle drove the vehicle slowly and carefully as there were speed breakers at the spot of the accident. However, the victim has suddenly crossed the road almost after the vehicle passed through the particular stretch of the road, resulting in the death of the victim. Therefore, the petitioner is not the cause for the accident.

3. These arguments advanced by the learned counsel appearing for the petitioner can be considered only at the time of final hearing and it will take some more time to hear the matter finally, in a routine manner. Moreover, pursuant to the Judgment of the Court below, the petitioner had been arrested on 08.07.2017 and he had been in jail for about more than 40 days.

4. Considering all these aspects, this petition to suspend the sentence, in the view of this Court, can be considered at this juncture. Accordingly, the substantive sentence imposed against the petitioner is suspended and the petitioner is released on bail on the following conditions:

(i) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a likesum to the satisfaction of the learned Judicial Magistrate, Sirkali within a period of two weeks from the date of receipt of a copy of this Order and also

(ii) the petitioner shall appear before the said Magistrate on the first working day of every English Calendar month at 10.30 a.m., until further orders.

-sd/-
18/08/2017

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 JUDICIAL MAGISTRATE,
SIRKALI.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VAITHESWARAN KOIL POLICE STATION,
NAGAPATTINAM DISTRICT.

+1C.C. to M/S.A.RAJESH KANNA Advocate on payment of necessary charges SR NO.15729

Order

in
CRL MP.8288/2017

in
CRL RC.885/2017

Date :18/08/2017

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MK:21/08/2017