



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

Wednesday, the Thirteenth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL MP(MD) No.11285 of 2017

IN

CRL RC(MD) No.925 of 2017

SIVAKUMAR

... PETITIONER/APPELLANT/
APPELLANT/ACCUSED No.1

Vs

STATE BY,
THE INSPECTOR OF POLICE,
TOWN POLICE STATION,
RMANATHAPURAM,
CR NO.127/2004.

... RESPONDENT/RESPONDENT/
RESPONDENT/PROSECUTION

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to Suspend the sentence imposed upon the Petitioner by the Learned Principal District and Sessions Court Ramanathapuram made in Crl.A No.1/2016 dated 18.07.2017 confirming the sentence imposed upon the Petitioner in C.C No. 23/2014 dated 11.12.2015 passed by the Learned Chief Judicial Magistrate, Ramanathapuram pending disposal of the above Criminal Revision Petition.

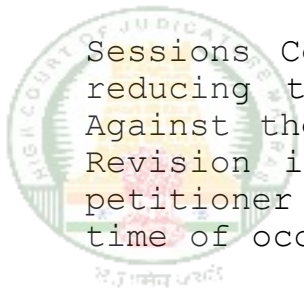
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.P.GANAPATHI SUBRAMANIAN, Advocate for the petitioner and of MR.C.MAYILVAHANA RAJENDRAN, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

The petitioner / sole accused in C.C.No.23 of 2014 on the file of the learned Chief Judicial Magistrate, Ramnad while challenging his conviction and sentence, dated 11.12.2015 seeks revision bail under Section 389 of Cr.P.C.

2. After trial, he has been convicted and sentenced as under:

Conviction	Sentence
Section 304(A) of IPC	1 year S.I.

3.The petitioner preferred an appeal against the order of conviction in C.A.No.1 of 2016 before the learned I District and



Sessions Court, Ramanathapuram and the same was partly allowed by reducing the sentence of imprisonment from 1 year to 6 months. Against the judgment of the Appellate Court, the present Criminal Revision is preferred by the petitioner before this Court. The petitioner herein is the driver of the Government Corporation at the time of occurrence.

4.The learned counsel for the petitioner submitted that there are very many legal infirmities in the conviction recorded by the Trial Court and they are required to be revised. He further submitted that the occurrence took place near bus stand and it was a very busy area, however, no independent witnesses were examined to prove the rash and negligent driving of the petitioner herein, except the husband of the deceased. He also submitted that no other witnesses have come forward to prove the fact of rash and negligent act of the petitioner herein at the time of occurrence. The independent witness examined by the prosecution have turned hostile during the examination. Therefore, the petitioner is having prima facie case and having arguable points in his favour.

5.The learned Additional Public Prosecutor appearing for the respondent would submit that the Trial Court has rightly convicted the accused on the basis of the evidence adduced by the prosecution during trial and the petitioner is not having any prima facie case in the appeal. However, the learned Additional Public Prosecutor has no serious objection to grant an order of suspension.

6.In the facts and circumstances, perusing the impugned Judgment 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. On considerations, this petition is ordered as under:

- (i) Revision bail is granted.
- (ii) Substantial sentence alone is suspended on condition that the petitioner shall execute a bond for Rs.10,000/- (Rupees ten thousand only) with two sureties for the likesum each to the satisfaction of the learned Chief Judicial Magistrate, Ramanathapuram.
- (iii) 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/-
13/12/2017

/ TRUE COPY /

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



TO

1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, RAMANATHAPURAM

2 THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM

3 THE INSPECTOR OF POLICE, TOWN POLICE STATION,
RMANATHAPURAM,

4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.P.GANAPATHI SUBRAMANIAN Advocate SR.No.36264

ORDER

IN

CRL MP (MD) No.11285 of 2017

IN

CRL RC (MD) No.925 of 2017

Date :13/12/2017 (1/2)

PK/PM-PN/SAR-1/15.12.2017 : 3P/6C