



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

Tuesday, the Eighteenth day of July Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL MP (MD) No.6266 of 2017
IN
CRL RC (MD) No.565 of 2017

PITCHAIMUTHU

... PETITIONER/PETITIONER/ACCUSED

Vs

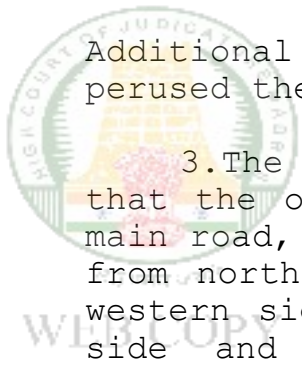
THE STATE REP.BY,
THE INSPECTOR OF POLICE
ARAVAKURUCHI POLICE STATION,
KARUR DISTRICT.
CR NO. 262/2010

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to Suspend the conviction and sentence imposed against me in C.A No. 25/2014 dated 22.12.2015 on the file of the Mahalir Fast Track Court Karur by confirming the Conviction and sentence passed by the Learned Chief J.M Karur in C.C No. 9/2013 dated 12.05.2014 and enlarge me on bail in 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. R. MATHIYALAGAN, Advocate for the petitioner and of MR.C.MAYILVAHANA RAJENDRAN, Additional Public Prosecutor on behalf of the Respondent while admitting Crl.R.C the court made the following order:-

The petitioner stood charged for an offence under Sections 279 and, 304(A) I.P.C (2 counts). He was convicted for an offence under Section 304(A) I.P.C (2 counts) and sentenced to undergo one year simple imprisonment, in C.C.No.9 of 2013, on the file of the learned Chief Judicial Magistrate, Karur. Challenging the same, he preferred an appeal in C.A.No.25 of 2014 on the file of the Sessions Court, Karur and the same was transferred to the Mahalir Fast Track Court, Karur. The lower appellate court dismissed the appeal, by confirming the conviction and sentence passed by the trial court. Challenging the same, the petitioner has filed Crl.R.C (MD).No.565 of 2017. Pending revision, in order to suspend the conviction and sentence imposed on the petitioner, the present petition has been filed.



Additional Public Prosecutor appearing for the respondent and perused the records carefully.

3.The learned counsel appearing for the petitioner submitted that the offending lorry was coming from south to north side in a main road, whereas the deceased were travelling in a TVS- 50 vehicle from north to south side and the accident had taken place on the western side. It really shows that the deceased came in the wrong side and invited the accident himself. There are lot of contradictions in the evidence of eyewitnesses. The Trial Court, without considering the same, convicted and sentenced the petitioner/accused. The lower Appellate court has also confirmed the conviction and sentence.

4.I have considered the materials available on record.

5.Considering the facts and circumstances of the case and since there are some arguable points involved in the revision and it may take long time for taking up the revision for hearing, I am constrained to suspend the sentence of imprisonment alone imposed against the petitioner.

6.In fine, this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner alone is suspended and the petitioner shall be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) along with two sureties each for a like sum to the satisfaction of the learned Chief Judicial Magistrate, Karur, with a further condition that the petitioner shall report before the committal Court on the first working day of every English Calender month at 10.30 a.m., till the disposal of the revision or until further orders.

sd/-

18/07/2017

/ TRUE COPY /

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

TO

- 1 THE CHIEF JUDICIAL MAGISTRATE, KARUR.
- 2 THE JUDGE,
MAHALIR FAST TRACK COURT, KARUR.
- 3 THE JUDGE,
SESSION COURT, KARUR.
- 4 THE INSPECTOR OF POLICE
ARAVAKURUCHI POLICE STATION, KARUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S. R. MATHIYALAGAN Advocate SR.No.26769

ORDER IN

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CRL RC(MD) No.565 of 2017

Date :18/07/2017