



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

Monday, the Seventh day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL MP (MD) No.7092 of 2017
IN
CRL RC (MD) No.627 of 2017

MURUGAN

... PETITIONER/PETITIONER

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
THENI POLICE STATION, THENI DISTRICT.
CRIME NO.1638 OF 2010.

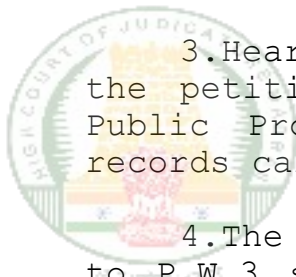
... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence of imprisonment imposed on the petitioner by the learned Additional District and Sessions Court, Theni at Periyakulam in C.A.No.20 of 2016 dated 19.06.2017, confirming the Judgement by the Judicial Magistrate Court, Theni in C.C.No.383 of 2010 dated 02.02.2016 pending disposal of the above said criminal revision and thus render justice.

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

This petition has been filed praying this Court to suspend the sentence of imprisonment imposed on the Petitioner by the learned Additional District and Sessions Court, Theni at Periyakulam in C.A.No.20 of 2016, dated 19.6.2017, confirming the judgement made in C.C.No.383 of 2010, dated 2.2.2016, passed by the learned Judicial Magistrate, Theni.

2.The Petitioner, was convicted for the offence under Section 304(A) (2 counts) of IPC and sentenced to undergo simple imprisonment for one year in C.C.No.383 of 2010, on the file of learned Judicial Magistrate, Theni. Challenging the same, the Petitioner preferred an appeal in C.A.No.20 of 2016 before the learned Additional District and Sessions Court, Theni at Periyakulam and the lower appellate Court had confirmed the conviction and sentence imposed on the Petitioner and dismissed the appeal. Challenging the same, the present revision has been filed. Pending revision, the Petitioner has sought for suspension of sentence and filed the above Petition.



3. Heard Mr.P.Senguttuarasan, the learned Counsel appearing for the petitioner and Mr.C.Mayilvahana Rajendran, learned Additional Public Prosecutor appearing for the respondent and perused the records carefully.

4. The learned counsel for the Petitioner submitted that P.W.1 to P.W.3 said to have been the eye-witness of the occurrence and there are lot of contradictions regarding the nature of occurrence. Apart from that, there is no evidence to show that the Petitioner had driven the vehicle in a rash and negligent manner. The Court below without considering the same in a perspective manner, convicted the Petitioner as stated supra.

5. Considering the facts and circumstances of the case and as some arguable points involved in the revision, I am inclined 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 Judicial Magistrate Court, Theni with a further condition that the petitioner shall report before the said Court on the first working day of every English Calendar month at 10.30 a.m., till the disposal of the appeal or until further orders.

sd/-

07/08/2017

/ TRUE COPY /

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

TO

- 1 THE ADDITIONAL DISTRICT AND SESSION JUDGE,
THENI AT PERIYAKULAM.
- 2 THE JUDICIAL MAGISTRATE, THENI.
- 3 THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
- 4 THE INSPECTOR OF POLICE,
THENI POLICE STATION, THENI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.P.SENGUTTUARASAN Advocate SR.No.28282

ORDER IN

CRL MP(MD) No.7092 of 2017 IN

CRL RC(MD) No.627 of 2017

Date :07/08/2017