



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

Thursday, the Twenty First day of September Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL MP(MD) No.8687 of 2017

IN

CRL RC(MD) No.747 of 2017

M.SANKAR

... PETITIONER/PETITIONER/APPELLANT/SINGLE
ACCUSED

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
KENIKKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.

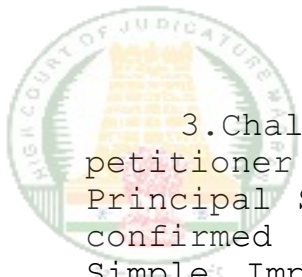
(CRIME NO.632 OF 2008) ... RESPONDENT/RESPONDENT/RESPONDENT /
COMPLAINANT

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 in C.C.No.12 of 2014 dated 15.07.2015 passed by the Learned Chief Judicial Magistrate, Ramanathapuram modified in C.A.No.24 of 2015 dated 06.07.2017 passed by the Learned Principal Sessions Judge, Ramanathapuram and enlarge the petitione ron bail pending disposal of main 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 MR.S.RAVI, Advocate for the petitioner and of Mr.C.MAYILVAHANA RAJENDRAN, Additional Public Prosecutor on behalf of the Respondent, while admitting the CRLRC.,the court made the following order:-

The petitioner is the sole accused in C.C.No.12 of 2014 on the file of the learned Principal District and Sessions Court, Ramanathapuram. He stood charged for the offences under Sections 279, 337 (8 counts), 338 (3 counts), 304(A) (2 counts) of IPC.

2.The trial Court convicted the petitioner for an offence under Section 279 of IPC and imposed a fine of Rs.500/- in default to undergo one month Simple Imprisonment and imposed a fine of Rs.250/- in default to undergo one months Simple Imprisonment for an offence under Section 337(8 counts) of IPC and also imposed a fine of Rs.500/- in default to undergo one month Simple Imprisonment for an offence under Section 338(3 counts) and sentenced to undergo two years Simple Imprisonment and also imposed a fine of Rs.5,000/- in default to undergo three months Simple Imprisonment.



3. Challenging the above said conviction and sentence, the petitioner filed an appeal in C.A.No.24 of 2015 before the learned Principal Sessions Judge, Ramanathapuram. The lower appellate Court confirmed the conviction and modified the sentence into one year Simple Imprisonment under Section 304(A) (2 counts) of IPC and confirmed the sentence in respect of other offences. Aggrieved against the aforesaid sentence, the petitioner is before this Court with the Revision. Pending Revision, he filed the present application, seeking suspension of sentence.

4. The learned counsel for the petitioner would submit that the occurrence took place in the night hours. A lorry was stationed near the road without any light and the petitioner even though driven the vehicle slowly, due to the darkness, he could not notice the standing lorry and dashed against the lorry. There is no evidence to show that the petitioner has driven the vehicle in a rash and negligent manner and dashed against the lorry.

5. Per contra, the learned Additional Public Prosecutor would submit that there are two persons died in the accident and nearly 11 persons were injured due to the rash and negligent driving of the petitioner and also without noticing the standing lorry, he dashed against the lorry, the trial Court has rightly convicted the petitioner and no interference is required.

6. Considering the fact that there are arguable points in the revision and it may take a long time for taking up the revision for hearing, I am inclined to suspend the sentence imposed on the petitioner.

7. In fine, this petition is allowed. The sentence imposed in C.C.No.12 of 2014, modified in C.A.No.24 of 2015 alone is suspended till the disposal of CrI R.C(MD)No.747 of 2017. The petitioner will be released on bail on executing a bond to the tune of Rs.10,000/- (Rupees Ten Thousand only) and two sureties each for the like-sum to the satisfaction of learned Chief Judicial Magistrate, Ramanathapuram 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 revision or until further orders.

sd/-
21/09/2017

/ TRUE COPY /

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



TO

1 THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM

2 THE PRINCIPAL SESSIONS JUDGE,
RAMANATHAPURAM

3 THE INSPECTOR OF POLICE,
KENIKKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1. C.C. to MR.S.RAVI Advocate SR.No.31244

JAM/25.09.17/pm-pn/SAR 1 / 3p-6c

ORDER

IN

CRL MP (MD) No.8687 of 2017

IN

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Date :21/09/2017