



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

Thursday, the Twenty Sixth day of October Two Thousand Seventeen

PRESENT

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

CRL MP (MD) No.9633 of 2017
IN
CRL RC (MD) No.798 of 2017

IYAPPAN,

...REVISION PETITIONER/PETITIONER

Vs

STATE REP BY
THE SUB INSPECTOR OF POLICE,
THIRUMANGALAM TOWN POLICE STATION,
THIRUMANGALAM, MADURAI DISTRICT.
CRIME NO.47 OF 2006.

... 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 of imprisonment imposed by the Learned 1st Additional District and Sessions Judge, Madurai in C.A.No.11/2017 dated 13/09/2017 in C.C.No.44/2006 dated 03/01/2016 on the file of the Learned Judicial Magistrate, Thirumangalam, Madurai pending disposal of the above Crl.R.C.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.G.RAVI SANKAR, Advocate for the petitioner and of MR.T.MOHAN, Additional Public Prosecutor for the Respondent, while admitting the Criminal Original Petition, the court made the following order:-

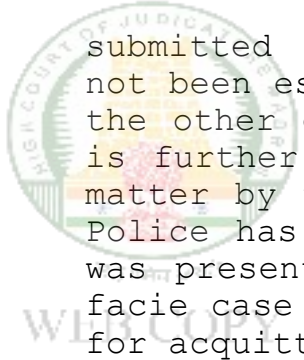
The petitioner / accused in C.C.No.44 of 2006 on the file of the learned Judicial Magistrate, Thirumangalam, Madurai while challenging their conviction and sentence, seek revision bail under Section 397(1) Cr.P.C.

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

Conviction	Sentence
Section 304(A) of IPC	6 months S.I. + Fine of Rs.1,000/- i/d 2 months S.I.

3.Fine amount paid by the petitioner.

<https://hcservices.courts.gov.in/hcservices/>
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 requirement of rash and negligent driving has not been established in this case through P.W.1, the eye witness and the other eye witnesses were also examined by the prosecution. It is further submitted that earlier complaint was suppressed in this matter by the prosecution as P.W.1 has stated in his evidence that Police has come to the scene of occurrence, wherein the petitioner was present and prepared mahazar. The petitioner is having prima facie case and he is having certain arguable points in this revision for acquittal.

5.The learned Additional Public Prosecutor submitted that the Trial court has rightly convicted the petitioner on the basis of the evidence adduced by the prosecution and the said Judgment also confirmed by the Appellate Court. Hence, there is concurrent Judgment against the petitioner. He further submitted that there is no prima facie case in this revision. However, he has no objection to grant 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. Further, it will take some time for the disposal of the 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 Judicial Magistrate, Thirumangalam, Madurai.

(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/-
26/10/2017

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
THIRUMANGALAM, MADURAI

2 THE CHIEF JUDICIAL MAGISTRATE
MADURAI

3 THE SUB INSPECTOR OF POLICE,
THIRUMANGALAM TOWN POLICE STATION,
THIRUMANGALAM, MADURAI DISTRICT.

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

ORDER

IN

CRL MP (MD) No.9633 of 2017

IN

CRL RC (MD) No.798 of 2017

Date :26/10/2017

SMA/RR-BS/SAR-2/31.10.2017:3P/5C