



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

Thursday, the Twenty Fifth day of January Two Thousand Eighteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL MP (MD) No.127 of 2018

IN

CRL RC (MD) No.7 of 2018

WEB COPY

SARAVANAN

... PETITIONER/ PETITIONER/
APPELLANT/ ACCUSED

Vs

STATE REP.BY
THE SUB INSPECTOR OF POLICE,
THENI POLICE STATION,
THENI DISTRICT.
(IN CRIME NO.397 OF 2011)

... RESPONDENT/ RESPONDENT/
RESPONDENT/ COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence passed in Crl.Appeal No.28 of 2014 on the file fo the Learned Principal District and Sessions Judge, Theni in C.C.No.43 of 2013 on the file fo the Chief Judicial Magistrate, Theni and released the petitioner on bail, pending disposal of the Criminal Revision Petition and thus render justice.

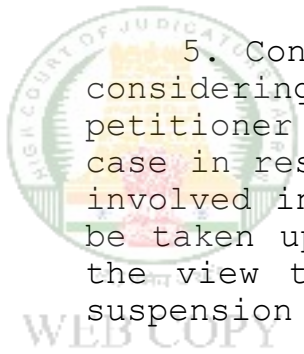
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.A.UTHAYAKUMAR, Advocate for the petitioner and of M/S.A.BHARATHI, Government Advocate (Crl.Side) on behalf of the Respondent, While admitting the CRL RC, the court made the following order:-

The petitioner has been convicted in C.C.No.43 of 2013, by the learned Chief Judicial Magistrate, Theni, on 04.06.2014, for the offence under Section 304-A I.P.C., and sentenced to undergo two years simple imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo three months simple imprisonment.

2. The learned Principal District and Sessions Judge, Theni, by Judgment dated 08.11.2017, allowed the appeal in C.A.No.28 of 2014 in part by confirming the conviction and modifying the sentence to six months rigorous imprisonment.

3. The learned counsel for the petitioner submitted that the petitioner has paid the fine amount and he has surrendered before the Trial Court on 22.01.2018 and now he has been confined in the Central Prison, Madurai.

4. The learned counsel for the petitioner has raised substantial points in the memorandum of revision, which require a detailed consideration by this Court.



5. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner that there are several infirmities in the prosecution case in respect of the petitioner and that there are arguable points involved in the revision and further, the revision is not likely to be taken up for final hearing in the near future, this Court is of the view that the petitioner herein is entitled to the relief of suspension of sentence.

6. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Chief Judicial Magistrate, Theni and on further condition that:

(i) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.

(ii) the petitioner shall appear before the Trial Court on the first working day of every month until the disposal of the revision and if he is not able to appear before the Trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C., and shall appear before the Trial Court on any other day in lieu of the date of his absence, as directed by the Trial Court.

sd/-
25/01/2018

/ TRUE COPY /

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

TO

1. THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, THENI
2. THE CHIEF JUDICIAL MAGISTRATE, THENI.
3. THE SUPERINTENDENT OF PRISON, CENTRAL PRISON, MADURAI.
4. THE SUB 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.A.UTHAYAKUMAR Advocate SR.No.1380

ORDER IN
CRL MP(MD) No.127 of 2018
IN
CRL RC(MD) No.7 of 2018
Date :25/01/2018