



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

Monday, the Twenty Second day of January Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL MP(MD) No.423 of 2018

IN

CRL RC(MD) No.37 of 2018

D.JOISON,

... PETITIONER/REVISION PETITIONER/
APPELLANT/ACCUSED

Vs

STATE REP BY

THE INSPECTOR OF POLICE,

TIRUCHULI CIRCLE, M.REDDIAPATTY POLICE STATION,

TIRUCHULI CIRCLE,

IN CRIME NO.109 OF 2010,

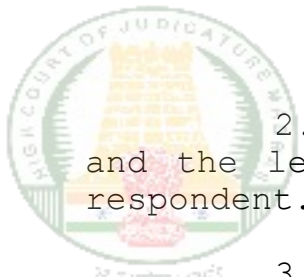
VIRUDHUNAGAR DISTRICT.

... RESPONDENT/REVISION 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 execution of sentence in C.A.No.137 of 2011 dated 15.11.2017 on the file of the Learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur confirming the Judgment of the Learned Judicial Magistrate, Aruppukkottai, Virudhunagar District in C.C.No.125 of 2011 dated 26.08.2011, 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.S.TITUS, Advocate for the petitioner and of M/S.S.BHARATHI, Government Advocate (Crl.side) on behalf of the Respondent, while admitting the CRL RC, the court made the following order:-

The Criminal Revision Case has been filed by the accused to set aside the Judgment passed in C.A.No.137 of 2011, on the file of learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur, dated 15.11.2017, confirming the conviction and sentence awarded by Judicial Magistrate Court, Aruppukkottai in C.C.No.125 of 2011, whereby the petitioner herein was found guilty for the offence under Section 304(A) of IPC and convicted and sentenced to undergo Rigorous Imprisonment for one year and also to pay a fine amount of Rs.2,000/- in default to undergo, further period of Rigorous Imprisonment for three months.



2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

3. The learned counsel appearing for the petitioner has submitted that the respondent has filed a charge sheet stating that the petitioner herein has driven a Tata Indica Saloon Vehicle bearing Registration No.TN59 AT 3400 in the Aruppukottai - Sayalkudi main road from North to South and at that time, the deceased Venkatraj was proceeding in Two Wheeler bearing Regn. No.TN67 AY 4101 from South to North and the petitioner had driven the aforesaid Tata Indica Saloon vehicle in a rash and negligent manner and dashed against the deceased and caused death and hence, the petitioner is liable to be punished for the offence under Section 304(A) of IPC. He further submitted that the PW.1 and PW.2 claimed to be the eye witnesses, but, they were deposed in their evidence that the deceased Venkatraj has driven the Two Wheeler from South to North and the accused / petitioner herein has driven a Tata Indica Saloon car in the opposite direction and dashed against the deceased, but, in the rough sketch preferred by the Investigating Officer, the place of occurrence has been shown in the East-West road. He further submitted that the Doctor PW.5 has deposed that at the time of admitting the deceased in the hospital it was informed to her that one Omni Van hit against the deceased. He further submitted that the petitioner has not at all driven the Tata Indica Saloon Car at the time of occurrence and he has been falsely implicated in this case. He further contended that without considering the aforesaid material contradictions, the trial Court as well as Appellate Court found the petitioner guilty for the offence under Section 304(A) of IPC and the petitioner has also paid a fine amount before the trial Court. He further contended that the petitioner has some arguable points in this case and he is having fair chance of success in the above said Criminal Revision Case.

4. Considering the aforesaid submissions, the execution of the substantial sentence alone suspended and it is ordered to release the petitioner 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 Judicial Magistrate, Aruppukkottai, Virudhunagar District and on further condition that:

(i) the petitioner and 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 English Calendar month at 10.30 a.m., until the disposal of the Criminal Revision Case 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/-
22/01/2018

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

TO

- 1 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
- 2 THE JUDICIAL MAGISTRATE,
ARUPPUKKOTTAI
- 3 THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
- 4 THE INSPECTOR OF POLICE,
TIRUCHULI CIRCLE, M.REDDIAPATTY POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. C.C. to M/S.S.TITUS Advocate SR.No.1005

ORDER
IN
CRL MP (MD) No.423 of 2018
IN
CRL RC (MD) No.37 of 2018
Date :22/01/2018

SMA/RR-CSL/SAR-1/30.01.2018:3P/7c