



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

Tuesday, the Twenty Fourth day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.2893 of 2018
IN
CRL RC(MD) No.220 of 2018

M.KRISHNAN

... PETITIONER / REVISION PETITIONER

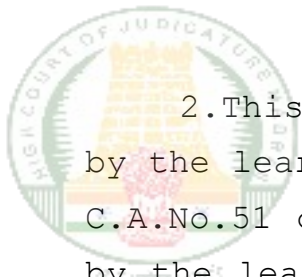
Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
T.RAMANATHAPURAM POLICE STATION,
MADURAI DISTRICT. (CRIME NO.12/2015) ... 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 imposed by the IV Additional District & Sessions Judge, Madurai in C.A.No.51 of 2017 dated 28.02.2018 by modifying the Judgment passed by Learned Judicial Magistrate No.II, Usilampatti in C.C.No.406 of 2014 dated 17.05.2017, till the disposal of the 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.K.C.RAMALINGAM, Advocate for the petitioner and of M/S.K.SUYAMBULINGA BHARATHI, Government Advocate (Crl.Side) on behalf of the Respondent the court made the following order:-

Heard Mr.K.C.Ramalingam, learned counsel appearing for the petitioner, Mr.K.Suyambulinga Bharathi, learned Government Advocate (Crl. Side) appearing for the respondent.



2.This petition has been filed to suspend the sentence imposed by the learned IV Additional District and Sessions Judge, Madurai in C.A.No.51 of 2017 dated 28.02.2018 by modifying the judgment passed by the learned Judicial Magistrate No.II, Usilampatti in C.C.No.406 of 2014 dated 17.05.2017, till the disposal the criminal revision.

3.The case against the petitioner is that on 17.04.2013, at about 09.45 hours, when the deceased Karthikeyan was riding his two wheeler bearing Registration No.TN-58-Y-1985 along the Sankaralingapuram-Elumalai Road, the petitioner was driving the TATA ACE vehicle bearing Registration No.TN-58-Y-0996 from the opposite direction in a rash and negligent manner and dashed against the two wheeler and caused the death of deceased Karthikeyan.

4.On the side of the petitioner, it is stated that the lower Court, without considering the evidence of P.W.5 and P.W.6 and without considering the observation mahazer, has convicted the petitioner and the Appellate Court has confirmed the conviction, however modified the sentence. It is further stated that the petitioner is having valid ground for success in the revision case and prayed for suspension of sentence.

5.On the side of the respondent, it is stated that the petitioner was convicted under Section 304(A) of IPC by the learned Judicial Magistrate No.II, who also imposed a sentence to undergo two years rigorous imprisonment. But the Appellate Court has confirmed the conviction and modified the sentence to undergo six months rigorous imprisonment and to pay a fine of Rs.5,000/- in default to undergo simple imprisonment for one month. It is stated that the prosecution has examined P.Ws.1 to 11 and marked Exs.P. 1 to 9. It is stated that the P.Ws.1 and 2 eye witness who clearly deposed about the occurrence. P.Ws.5 and 6 identified the accused as driver of the concerned vehicle. It is further argued that there is no merits in this petition and the petition is to be dismissed.



6. Records perused. There are two concurrent decisions taken by the trial Court and by the first appellate Court. Even then the petitioner should not be deprived of his right to approach this Court as a revision petitioner. The main criminal revision case would be disposed of after hearing the argument on both sides. In the meanwhile, this Court is inclined to grant an interim suspension of sentence till 05.06.2018, 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 No.II, Usilampatti 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.

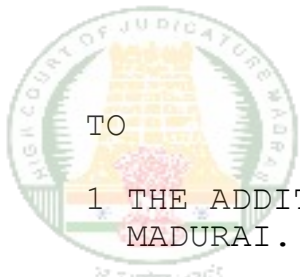
(ii) the petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the appeal and if he is not able to appear before the Trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C., 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.

7. Post the main criminal revision case for hearing on 05.06.2018.

sd/-
24/04/2018

/ TRUE COPY /

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



TO

1 THE ADDITIONAL DISTRICT & SESSIONS JUDGE,
MADURAI.

2 THE JUDICIAL MAGISTRATE NO-II
USILAMPATTI.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

4 THE INSPECTOR OF POLICE,
T.RAMANATHAPURAM POLICE STATION,
MADURAI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. C.C. to M/S.K.C.RAMALINGAM Advocate SR.No.6923.

ORDER

IN

CRL MP (MD) No.2893 of 2018

IN

CRL RC (MD) No.220 of 2018

Date :24/04/2018

SDS/CM:VR/GSR/24.04.2018/4P/7C