



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

Monday, the Fourth day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.3569 AND 3570 of 2018

IN

CRL RC(MD) No.263 of 2018

KANNAN

... PETITIONER/PETITIONER

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
PANAGUDI POLICE STATION,
TIRUNELVELI DISTRICT.
IN CR NO. 268 OF 2001

... 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 order passed in C.A.No. 118 of 2015 on the file of the 3rd Additional Sessions Court, Tirunelveli dated 02.02.2018 and confirming the order passed in C.C.No. 13 of 2004 on the file of the Judicial Magistrate Court, Valliyoor dated 05.11.2015 pending disposal of this Criminal Revision Petition.

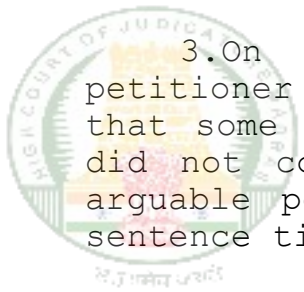
Prayer in CRL MP(MD). 3570/ 2018 :

To exempt the petitioner from surrendering in C.A.No. 118 of 2015 on the file of the 3rd Additional Sessions Court, Tirunelveli dated 02.02.2018 and confirming the conviction and sentence order passed in C.C.No. 13 of 2004 on the file of the Judicial Magistrate Court, Valliyoor dated 05.11.2015

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.R.MANIMARAN, Advocate for the petitioner and of MR.K.SUYAMBULINGA BHARATHI, Government Advocate (Crl.Side) for the Respondent, while admitting the Criminal Revision Petition the court made the following order:-

Heard Mr.R.Manimaran, learned counsel appearing for the petitioner and Mr.Suyambulinga Bharathi, learned Government Advocate (Crl. Side) appearing for the respondent.

2.This petition has been filed to suspend the sentence imposed in C.A.No.118 of 2015 on the file of the IIIrd Additional Sessions Court, Tirunelveli dated 02.02.2018, till the disposal the criminal revision case.



3. On the side of the petitioner, it is stated that the petitioner is having valid ground for the revision. It is stated that some of the eye witnesses turned hostile and the lower Court did not consider the same. It is further stated that there are arguable points for the revision and he prayed for suspension of sentence till the disposal of the revision.

4. On the side of the respondent, it is stated that the prosecution has examined P.Ws.1 to 34 and marked 57 documents as Exs.1 to 57 and four persons died due to the accident and P.Ws.1 to 4 are eye witnesses and are injured. He prayed that the petition is to be dismissed.

5. Records perused. The order of the learned Judicial Magistrate is already confirmed by the first Appellate Court and it is stated that the petitioner is having valid ground for revision and this Court is of the view that the petitioner herein is entitled put forth his case in this revision petition.

6. This Court is inclined to grant suspension of sentence till the disposal of the case, 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 Court, Valliyoor 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.

(iii) The petitioner is not exempted from surrendering before the trial Court for the purpose of furnishing sureties.

sd/-
04/06/2018

/ TRUE COPY /

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



TO

1 THE 3RD ADDITIONAL SESSIONS JUDGE, TIRUNEVELI

2 THE JUDICIAL MAGISTRATE, VALLIYOOR

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.

4 THE INSPECTOR OF POLICE
PANAGUDI POLICE STATION, TIRUNELVELI DISTRICT.

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

+1. C.C. to M/S.R.MANIMARAN Advocate SR.No.9520, 9521

GJM/PN/RNB/6.6.18-3P-8C

ORDER

IN

CRL MP (MD) No.3569 AND
3570 of 2018

IN

CRL RC (MD) No.263 of 2018

Date :04/06/2018