



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

Thursday, the Twenty Seventh day of December Two Thousand Eighteen

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PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL MP(MD) No.10789 of 2018

IN

CRL RC(MD) No.665 of 2018

V.RAMADOSS

... PETITIONER/PETITIONER

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
FORT.NORTH TRAFFIC INVESTIGATION,
POLICE STATION TIRUCHIRAPPALLI,
TIRUCHIRAPPALLI DISTRICT.
CRIME NO.201/2015

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to enlarge the petitioner on bail by suspending the sentence imposed upon him in C.C.No.25/2016 on the file of the Learned Judicial Magistrate No.I, Trichy, Trichy District by Judgement dated 19/07/2017 which was confirmed vide Judgement dated 31/07/2018 in Crl.A.No.74/2017 on the file of the Learned Sessions Judge, Tiruchirappalli Division, Tiruchirappalli, Tiruchirappalli District 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 MR.A.THIRUVADI KUMAR, Advocate for the petitioner and of MR.K.SUYAMBULINGA BHARATHI, Government Advocate (Crl. Side) on behalf of the Respondent, While admitting the Crl.R.C., the court made the following order:-

This petition is filed to enlarge the petitioner on bail by suspending the sentence imposed on him in C.C.No.25 of 2016 on the file of the learned Judicial Magistrate No.I, Tiruchirappalli, Tiruchirappalli District by Judgment dated 19.07.2017 which was confirmed by the learned Sessions Judge, Tiruchirappalli Division, Tiruchirappalli District in Crl.A.No.74 of 2017, dated 31.07.2018.

2.The petitioner was convicted and sentenced to undergo simple imprisonment for a period of six months for the offence under Section 279 IPC and sentenced to undergo two years simple



imprisonment for the offence under Section 338 IPC and to pay a fine of Rs.2,000/- and in default, to undergo one month simple imprisonment for the offence, in C.C.No.25 of 2016 by the learned Judicial Magistrate No.I, Tiruchirappalli, Tiruchirappalli District, dated 19.07.2017.

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3.As against the said conviction and punishment, the petitioner has preferred an appeal in CrI.A.No.74 of 2017 before the learned Sessions Judge, Tiruchirappalli Division, Tiruchirappalli District. The learned Sessions Judge, Tiruchirappalli Division, Tiruchirappalli District, dismissed the appeal and confirmed the conviction and sentence passed by the trial Court. As against the judgment in the appeal, the petitioner has preferred a revision in CrI.R.C.(MD)665 of 2018. In this criminal revision case, the petitioner has filed the petition and prayed for the suspension of sentence pending disposal of the said revision.

4. Heard the submissions made on both sides and perused the judgment and other records available.

5.It is seen that the prosecution has failed to prove the manner of occurrence through cogent and convincing evidence. It is also seen that the victim P.W.1 was proceeding in his TVS XL Super from West to East and the offending vehicle driven by the accused had hit him, which is against the evidence of P.W.1 who had stated that he had been proceeding towards North of the signal.

6.After considering the above submissions, this Court finds that there are arguable points involved to be decided in the Criminal Revision. Thus, this Court deems it appropriate to suspend the substantive portion of sentence imposed on the petitioner.

7. Accordingly, the present Miscellaneous Petition is allowed and the sentence of imprisonment awarded by the trial Court is hereby suspended until further orders in this petition and the petitioner is directed to be enlarged on bail on his executing a bond for a sum of Rs.5,000/- (Rupees five thousand only) with two sureties each for a like sum to the satisfaction of the Judicial Magistrate No.I, Tiruchirappalli, subject to a condition that the petitioner shall appear before the said Court once in a month i.e, on the first working day of every month at 10.30 A.M until further orders.

sd/-

27/12/2018

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



TO

1 THE JUDICIAL MAGISTRATE NO.I,
TIRUCHIRAPPALLI, TIRUCHIRAPPALLI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.

3 THE SESSIONS JUDGE,
TIRUCHIRAPPALLI DIVISION, TIRUCHIRAPPALLI,
TIRUCHIRAPPALLI DISTRICT.

4 THE INSPECTOR OF POLICE,
FORT.NORTH TRAFFIC INVESTIGATION POLICE
STATION, TIRUCHIRAPPALLI,
TIRUCHIRAPPALLI DISTRICT.

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

ORDER
IN
CRL MP (MD) No.10789 of 2018
IN
CRL RC (MD) No.665 of 2018
Date :27/12/2018

JM/JC/SAR 4/02.01.2019/3P/6C