



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

Thursday, the Twenty Seventh day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL MP(MD) No.10793 of 2018

IN

CRL RC(MD) No.666 of 2018

PAKIRATHAN

... PETITIONER/PETITIONER

Vs

STATE OF TAMIL NADU,
REP.BY THE INSPECTOR OF POLICE,
PAPPAKUDI POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.90/2008)

... 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 passed by the Learned District Munsif cum Judicial Magistrate, Cheranmahadevi in C.C.No.298/2008 dated 07/04/2016 and which was modified by the Learned Additional District Sessions Judge, Tenkasi Dated 02/11/2018 in Crl.A.No.37/2016 by enlarging the petitioner on bail and thus render Justice.

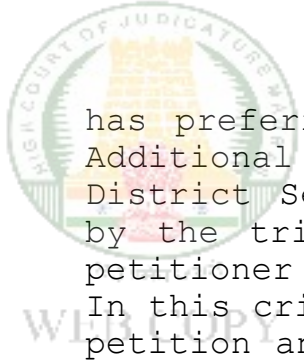
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.M.PRABU, Advocate for the petitioner and of MR.A.ROBINSON, Government Advocate(Crl. Side) on behalf of the Respondent, While admitting the CRL. RC, the court made the following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

This petition is filed to enlarge the petitioner on bail by suspending the sentence imposed on him in C.C.No.298 of 2008 on the file of the learned Judicial Magistrate, Cheranmahadevi, by Judgment dated 07.04.2016 which was modified by the learned Additional District Sessions Court, Tenkasi in Crl.A.No.37 of 2016, dated 02.11.2018.

2.The petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of one year for the offence under Section 304(A) IPC and no fine amount was imposed in C.C.No.298 of 2008 by the learned Judicial Magistrate, Cheranmahadevi, dated 07.04.2016.

<https://hcservices.ecourts.gov.in/hcservices/>

3.As against the said conviction and punishment, the petitioner



has preferred an appeal in CrI.A.No.37 of 2016 before the learned Additional District Sessions Court, Tenkasi. The learned Additional District Sessions Court, Tenkasi, modified the conviction rendered by the trial Court. As against the judgment in the appeal, the petitioner has preferred a revision in CrI.R.C.(MD)No.666 of 2018. In this criminal revision case, the petitioner has filed the present 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 Court below has failed to consider that all the witnesses have failed to state that the vehicle was driven by the petitioner in a rash and negligent manner. It is also seen that the Court below has failed to consider that the investigation was done by the Sub Inspector of Police who has no authority to investigate the case of 304(A) IPC.

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 Court, Cheranmahadevi, 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

/ TRUE COPY /

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

TO

1.THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, CHERANMAHADEVI.

<https://hcservices.ecourts.gov.in/hcservices/>
2.DO THRO THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.



3. THE ADDITIONAL DISTRICT SESSIONS JUDGE,
TENKASI.

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

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

+1. C.C. to MR.M.PRABU Advocate SR.No.24146

ORDER
IN
CRL MP (MD) No.10793 of 2018
IN
CRL RC (MD) No.666 of 2018
Date :27/12/2018

AE/PN/SAR3/02.01.2019/3P/7C