

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Ninth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL MISCELLANEOUS PETITION No.6509 of 2019

IN CRL RC.423/2019

PIRASANNA

[PETITIONER / APPELLANT / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

INSPECTOR OF POLICE,
KUMARATCHI POLICE STATION,
CUDDALORE DISTRICT,
CR.NO.140 OF 2011.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL RC.423/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed by the judgment dated 04.04.2019 made in Crl.A.No.133 of 2018 passed by the learned II Additional District and Sessions Judge at Chidambaram by confirming the conviction of the sentence imposed by the judgment dated 29/11/2018 made in C.C.NO.163 of 2013 passed by the learned Judicial Magistrate No.II, Chidambaram

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL RC.423/2019 on the file of the High Court and upon hearing the arguments of M/S.B.B.SENDHILKUMAR, Advocate for the petitioner and of M/S.M.PRABHAVATHI, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

The Criminal Revision has been filed as against the Judgment passed by the learned II Additional District and Sessions Judge, Chidambaram made in Crl.A.No.133 of 2018 dated 04.04.2019, confirming the judgment of the learned Judicial Magistrate No.II, Chidambaram in C.C.No.163 of 2013 dated 29.11.2018, convicting the petitioner for an offence u/s 279 of IPC to undergo 6 months Rigorous Imprisonment and under Section 304(A) of IPC to undergo 1 year Rigorous Imprisonment and to pay a fine of Rs.2,000/- I/d 1 month Simple Imprisonment. Pending appeal, the petitioner has filed the above miscellaneous petition seeking suspension of substantive sentence of imprisonment.

2. The learned counsel for the petitioner submitted that there is a material contradiction in the evidence of the witnesses and the evidence of PW-2, PW-3 & PW4 should not have been relied upon since they are interested witnesses. The learned counsel further submitted that PW-1 had driven the vehicle in a rash and negligent manner and it was only because of his fault the accident had happened. The learned counsel submitted that the petitioner has already deposited the fine amount at the time of filing the appeal.

3. The learned Additional Public Prosecutor submitted that the Court below has appreciated the entire evidence and has given elaborate reasons for convicting and sentencing the petitioner.

4. This Court carefully considered the submissions made on either side.

5. Considering the facts and circumstances of the case and in view of the fact that there are arguable points which requires consideration in the revision and the revision cannot be taken up for hearing in the near future, this Court is inclined to suspend the sentence imposed by the Court below.

6. The sentence imposed by the Court below vide Judgment made in C.C No.163 of 2013 dated 29.11.2018 on the file of learned Judicial Magistrate No.II, Chidambaram, is hereby suspended, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate-II, Chidambaram, and to appear before the learned Judicial Magistrate-II, Chidambaram on the first working day of every week at 10.30 a.m., until further orders.

-sd/-
09/05/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

WEB COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE II ADDITIONAL DISTRICT AND
SESSIONS JUDGE AT CHIDAMBARAM.

2 THE JUDICIAL MAGISTRATE,
NO.II, CHIDAMBARAM.

3 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
KUMARATCHI POLICE STATION,
CUDDALORE DISTRICT,

+1C.C. to M/S.B.B.SENDHILKUMAR Advocate on payment of
necessary charges SR NO.9717

Order

in
CRL MP.6509/2019

in
CRL RC.423/2019

Date :09/05/2019

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

MK:13/05/2019

WEB COPY