

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.6543 of 2019

IN CRL RC.428/2019

SENTHIL KUMAR

[PETITIONER / APPELLANT / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
N2, KASIMEDU TRAFFIC INVESTIGATION,
CHENNAI.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL RC.428/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence against the petitioner/petitioner in C.A.No.549 of 2018 dated 19.02.2019 on the file of learned XVIII Additional Sessions Judge, Chennai and confirming the sentences imposed by the learned III Metropolitan Magistrate, George Town, Chennai, dated 01/10/2018, made in C.C.NO.379 of 2018 and enlarge the petitioner on bail on such terms and conditions pending disposal of the above CRL.RC.NO.428 OF 2019 [IN CRL.MP.NO.6543 OF 2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL RC.428/2019 on the file of the High Court and upon hearing the arguments of M/S.S.PANNEER SELVAN, 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 XVIII Additional Sessions Judge, Chennai in Crl.A.No.549 of 2018 dated 19.02.2019, confirming the judgment of the learned III Metropolitan Magistrate, George Town, Chennai in C.C.No.379 of 2018 dated 01.10.2018, for an offence under Section 304(A) IPC and 184, 146, r/w 196, 3 r/w 181 of M.V.Act and sentenced to 6 months Rigorous Imprisonment and to pay a fine of Rs.2000/- in default further undergo one month Simple Imprisonment for the offence under Section 304(A) IPC and to pay a fine of Rs.1000/- in default further undergo 2 weeks Simple Imprisonment for the offence under Section 184 M.V.Act and to pay a fine of Rs.1000/- in default further undergo 2 weeks Simple Imprisonment for the offence under Section 146 r/w 196 of M.V.Act and to pay a fine of Rs.500/- in default further undergo 2 weeks Simple Imprisonment for the offence under Section 181 M.V.Act. 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 was a material contradiction in the evidence of PW-1. The learned counsel further submitted that the Courts below did not take into consideration the statement made by PW-3 during his cross examination and he was the head constable who was on duty at the occurrence place. The learned counsel further submitted that the fine amount has already been deposited 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 a 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.379 of 2018 dated 01.10.2018 on the file of learned III Metropolitan Magistrate, George Town, Chennai 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 III Metropolitan Magistrate, George Town, Chennai and to appear before the learned III Metropolitan Magistrate, George Town, Chennai, 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

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

TO

1 THE XVIII ADDITIONAL SESSIONS
JUDGE, CHENNAI.

2 THE METROPOLITAN MAGISTRATE,
NO.III, GEORGE TOWN, CHENNAI.

3 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
N2, KASIMEDU TRAFFIC INVESTIGATION,
CHENNAI.

C.C. to M/S.S.PANNEER SELVAN Advocate on payment of necessary
charges

Order

in
CRL MP.6543/2019

in
CRL RC.428/2019

Date :09/05/2019

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

MK:14/05/2019

सत्यमेव जयते

WEB COPY