

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Thirtieth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL MISCELLANEOUS PETITION No.6784 of 2019

in CRL.R.C.No.482 of 2019

C.THIMMARAJ

[PETITIONER]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
TRAFFIC INVESTIGATION,
HOSUR, KRISHNAGIRI DISTRICT
CRIME NO.27 OF 2015.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.R.C.No.482 of 2019 on the file of the High Court, the High Court will be pleased to enlarge the petitioner on bail by suspending the execution of sentence and conviction made in Crl.A.No.13 of 2018 dated 29.03.2019 by the Learned Additional District and Sessions Judge, Hosur, Krishnagiri District confirming the Judgment passed by the Learned Judicial Magistrate No.II, Hosur, Krishnagiri District in C.C.No.4 of 2016 dated 08.02.2018 pending disposal of the above CRL.R.C.No.482 of 2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.R.C.No.482 of 2019 on the file of the High Court and upon hearing the arguments of M/S.P.VISHNU, Advocate for the petitioner, and of Public Prosecutor on behalf of the Respondent, the court made the following order:-

This petition has been filed seeking to suspend the execution of sentence passed in Crl.A.No.13 of 2018 by the learned Additional District and Sessions Judge, Hosur, Krishnagiri District, wherein, the Judgment of the trial Court in C.C.No.4 of 2016 concluding that the petitioner has to undergo one year imprisonment has been confirmed.

2.The case of the petitioner is that he was charged and tried by the learned Judicial Magistrate No.II, Hosur, Krishnagiri District in C.C.No.4 of 2016 for the offence under Sections 279, 337 & 304 (A) of the I.P.C. The trial Court had examined PW1 to PW12 and marked

Exhibits 1 to 13. Thereafter, on conclusion of the trial, the trial Court found the petitioner guilty for the offence under Sections 279, 337 & 304 (A) (3 counts) of the I.P.C., and sentenced the petitioner to undergo one year imprisonment and the sentence shall run concurrently.

3. Aggrieved by the same, the petitioner made an appeal before the Additional District and Sessions Court, Hosur, Krishnagiri in CrI.A.No.13 of 2018. The learned Additional District and Sessions Judge, in his Judgment dated 29.03.2019 had confirmed the trial Court's order of conviction and thereafter, this revision has been filed.

4. The contention of the learned Counsel for the petitioner is that the petitioner was the driver of the car. The victims were travelling in a scooty with four persons and thereby, lost the balance and the accident had occurred. The learned Counsel further submitted that the petitioner was not at fault and due to overload and imbalance of the vehicle, the accident had occurred. It is the contention of the petitioner that though it has been brought out in evidence, it has not been properly analyzed by the trial Court as well as the lower appellate Court.

5. Considering the above facts and circumstances of this case, the sentence of imprisonment is suspended and the petitioner is directed to be enlarged on bail 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 No.II, Hosur, Krishnagiri District. The petitioner shall appear before the Additional District and Sessions Judge, Hosur, Krishnagiri District on the first working day of every English calendar month until further orders.

सत्यमेव जयते

-sd/-

30/05/2019

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 JUDICIAL MAGISTRATE NO.II
HOSUR,
KRISHNAGIRI DISTRICT

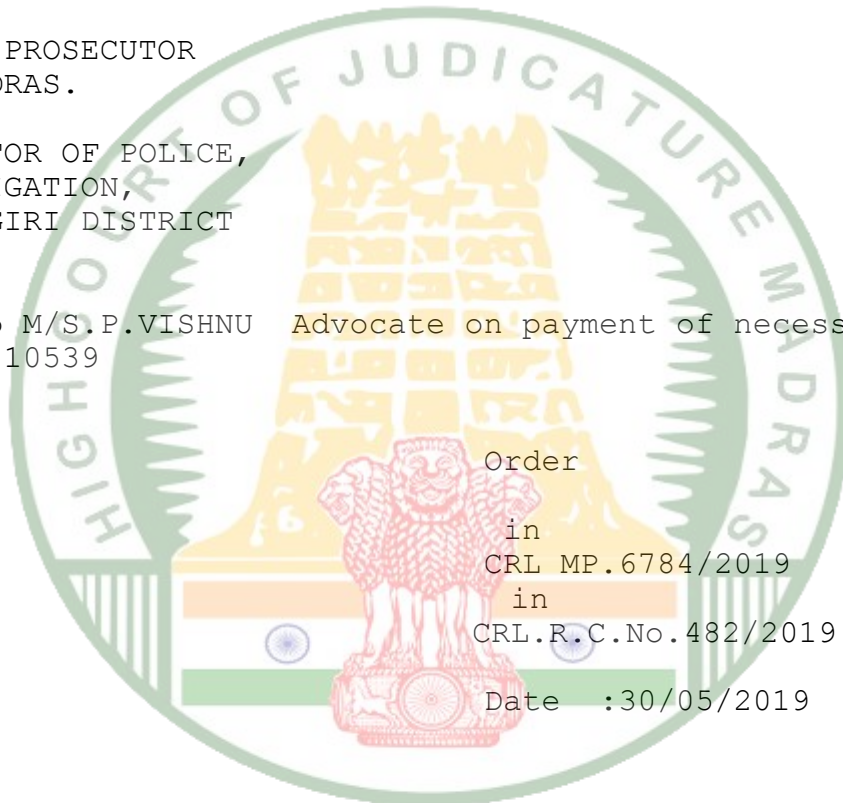
2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
HOSUR, KRISHNAGIRI DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
TRAFFIC INVESTIGATION,
HOSUR, KRISHNAGIRI DISTRICT

+1 C.C. to M/S.P.VISHNU Advocate on payment of necessary
charges SR.NO.10539



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cm 03/06/2019

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