

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Thirtieth day of September Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION NO.13629 & 13630 OF 2019

IN CRL.RC.NO.966 OF 2019

M.SURESH

[PETITIONER / APPELLANT / ACCUSED]

Vs

THE STATE REP BY [RESPONDENT]
INSPECTOR OF POLICE,
M-3, KOVILPALAYAM POLICE STATION,
COIMBATORE,
COIMBATORE DISTRICT.
CR.NO.275/2011.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.RC.NO.966 OF 2019 on the file of the High Court, the High Court will be pleased to

[i] suspend the sentence passed by the learned I-Additional District Cum Sessions Judge, Coimbatore, dated 18/07/2019 in C.A.No.98/2019 against the judgment passed by the learned Judicial Magistrate-II, Coimbatore dated 12/02/2019 in CC No.502/2012 pending disposal of the main CRL.RC.NO.966 OF 2019 [IN CRL.MP.NO.13629 OF 2019]

[ii] exempt the surrender of the petitioner before the learned I-Additional District Cum Sessions Judge, Coimbatore pursuant to the judgement passed by I-Additional District Cum Sessions Judge, Coimbatore in CA.No.98/2019 dated 18/07/2019 confirming the judgment passed by the learned Judicial Magistrate No.II, Coimbatore in CC.NO.502/2012, dated 12/02/2019 pending disposal of the main CRL.RC.NO.966 OF 2019 [IN CRL.MP.NO.13630 OF 2019]

Order : These petitions coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.RC.NO.966 OF 2019 on the file of the High Court and upon hearing the arguments of M/S.M.JAIKUMAR, Advocate for the petitioner and of MR.M.MOHAMED RIYAZ, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

The petition in Crl.M.P.No.13629 of 2019 has been filed seeking to suspend the substantive sentence of imprisonment, imposed on the petitioner/accused, by judgment and order dated 12.02.2019 passed in C.C.No.502 of 2012 on the file of the Judicial Magistrate

Court No.II, Coimbatore, confirmed by the judgment and order dated 18.07.2019 passed in C.A.No.98 of 2019 on the file of the I Additional District-cum-Sessions Court, Coimbatore.

2. This Court heard the learned counsel on either side and also perused the materials placed on record.

3. It is the case of the prosecution that on 28.08.2011, around 2.45 p.m., when the deceased Ravi along with his pillion rider by name Kanagaraj, were travelling in a motorcycle bearing Registration No.TN-42-4156 in Kovilpalayam to Coimbatore road, at Sakthi Main Road, Karattumedu Maattu Pannai, the petitioner/accused, driver of the lorry bearing Registration No.KA-11-A-2259, came in the opposite direction and hit the motorcycle, resulting in the death of Ravi and causing injuries to Kanagaraj.

4. The petitioner, who was an accused in C.C.No.502 of 2012 before the Judicial Magistrate Court No.II, Coimbatore, was convicted and sentenced as follows:

Provision under which convicted	Sentence
Section 279 IPC	Fine of Rs.1,000/-, in default to undergo one month simple imprisonment.
Section 338 IPC	Six months rigorous imprisonment and fine of Rs.1,000/-, in default to undergo simple imprisonment.
Section 304-A IPC	One year rigorous imprisonment and fine of Rs.5,000/-, in default to undergo one month simple imprisonment.

The aforesaid sentences were ordered to run concurrently.

5. Aggrieved by the above conviction and sentence, the petitioner has filed an appeal in C.A.No.98 of 2019 before the I Additional District-cum-Sessions Court, Coimbatore, which was dismissed on 18.07.2019, challenging which, the petitioner is before this Court.

6. The learned counsel for the petitioner submitted the petitioner has surrendered before the trial Court today and he has also paid the entire fine amount before the trial Court at the time of filing the appeal.

7. The petitioner has raised substantial grounds in the revision petition which requires detailed appraisal. Further, the revision petition is not likely to be taken up in the near future. Moreover the petitioner had surrendered before the trial Court. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.

8. Accordingly, the relief of suspension of sentence is granted on the following conditions:

(i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate Court No.II, Coimbatore.

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judicial Magistrate Court No.II, Coimbatore, may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(iii) The petitioner shall report before the trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

In view of the above, Crl.M.P.No.13630 of 2019 seeking to exempt the petitioner from surrendering before the Trial Court is closed.

-sd/-

30/09/2019

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 I ADDITIONAL DISTRICT CUM
SESSIONS JUDGE, COIMBATORE.

2 THE JUDICIAL MAGISTRATE,
NO.II, COIMBATORE.

3 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
M-3, KOVILPALAYAM POLICE STATION,
COIMBATORE, COIMBATORE DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1C.C. to M/S.M.JAIKUMAR Advocate on payment of necessary charges SR NO.48011

Order

in
CRL MP.13629 & 13630/2019
in
CRL RC.966/2019

Date :30/09/2019

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

MK:30/09/2019



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