

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Tuesday, the Fifteenth day of October Two Thousand Nineteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.14273 of 2019

IN CRL.RC.No.1040 OF 2019

V.RAVI

[ PETITIONER ]

Vs

STATE BY THE INSPECTOR OF POLICE,  
SIVAGIRI POLICE STATION,  
ERODE DISTRICT.  
CRIME NO. 221/2012

[ RESPONDENT ]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.1040 OF 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence of imprisonment imposed in the judgment dated 01/08/2019 made in C.A No. 278/2017 on the file of the learned First Additional District and Session Court, Erode confirming the conviction imposed in the judgement dated 09/10/2017 in C.C.No.139 of 2012 on the file of the learned District Munsif Cum Judicial Magistrate, Kodumudi and enlarge the petitioner on bail pending disposal of the above Crl.RC.No.1040 of 2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.1040 OF 2019 on the file of the High Court and upon hearing the arguments of M/S. N. MANOKARAN, Advocate for the petitioner and of MR. M.MOHAMED RIYAZ, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

- 1.This Criminal Miscellaneous Petition has been filed by the petitioner/accused, seeking suspension of sentence of imprisonment, imposed by the judgment of conviction and sentence, dated, 01.08.2019, made in Crl.A.No.278/2017, by the I Additional District and Sessions Court, Erode, confirming the judgment imposed dated 09.10.2017, made in C.C.No.139/2012, by the District Munsif cum Judicial Magistrate, Kodumudi, pending disposal of the Criminal Revision Case.
- 2.This court heard the learned counsel on either side and also perused the materials placed on record.
- 3.In and by the impugned judgement, the petitioner/accused was convicted and sentenced for the offences under Sections 279 and 304(A) of IPC and Section 3 read with 181 of Motor Vehicle Act and

he had been convicted and sentenced as under:

| S.No | Conviction                                         | Sentence                                                                                                 |
|------|----------------------------------------------------|----------------------------------------------------------------------------------------------------------|
| 1.   | Under Section 3 read with 181 of Motor Vehicle Act | A fine of Rs.500/- in default to undergo one month simple imprisonment.                                  |
| 2.   | Under Section 304(A) of IPC                        | one year simple imprisonment and fine of Rs.2,000/- in default to undergo one month simple imprisonment. |

Aggrieved against the same, the petitioner has preferred this revision.

4. According to the learned senior counsel for the petitioner/accused, there are arguable points available in the Criminal Revision Case, which is not likely to be taken for final hearing in the near future and the petitioner/accused has got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the petitioner/accused may be suspended. He would further submit that the fine amount has been paid and the petitioner has surrendered before the Trial Court today.

5. The learned Additional Public Prosecutor has raised objections for suspending the sentence.

6. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel on either side, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Revision Case, the substantive sentence of imprisonment alone is suspended and the petitioner/accused is ordered to be enlarged on bail, on the following conditions:

i. The petitioner/accused shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the District Munsif Cum Judicial Magistrate, Kodumudi.

ii. The Petitioner/Accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

iii.The Petitioner/Accused shall appear before the Trial Court at 10.30 a.m. on the first working day of every month, until the disposal of the revision petition and if he is not able to appear before the Trial Court on any day, he shall make arrangements to file an application under Section 317 of Cr.PC. and shall appear before the Trial Court on any other day in lieu of the date of his absence, as directed by the Trial Court.

-sd/-

15/10/2019

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 DISTRICT MUNSIF CUM  
JUDICIAL MAGISTRATE, KODUMUDI

2 THE CHIEF JUDICIAL MAGISTRATE  
ERODE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
SIVAGIRI POLICE STATION, ERODE DISTRICT.

5 I ADDITIONAL DISTRICT  
AND SESSIONS COURT, ERODE.

C.C. to M/S. N. MANOKARAN Advocate on payment of necessary charges Sr.20757

WEB COPY

Order  
in  
CRL MP.14273/2019

IN CRL.RC.No.1040 OF 2019

Date :15/10/2019

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RVR 15/10/2019