

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.M.P.Nos.4875 & 4877 of 2020

in Crl.R.C.No.667 of 2020

Rajesh

.. Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
Thiruthuraipoondi Police Station,
Thiruvarur District.
(Crime No.647 of 2013)

.. Respondent/Complainant

Prayer in Crl.M.P.No.4875 of 2020: Criminal Miscellaneous
Petition filed under Section 389(1) Cr.P.C. to suspend the sentence
imposed on the petitioner by judgment and order dated 11.01.2019
passed in C.C.No.228 of 2013 on the file of the Judicial Magistrate
Court, Thiruthuraipoondi, confirmed by the judgment and order dated
27.02.2020 passed in C.A.No.2 of 2019 on the file of the District and
Sessions Court, Thiruvarur and to enlarge the petitioner on bail till
the disposal of the appeal.

Prayer in Crl.M.P.No.4877 of 2020: Criminal Miscellaneous Petition
filed under Section 389(1) Cr.P.C. to exempt the petitioner from
surrendering before the District and Session Court, Thiruvarur,
pursuant to the aforesaid judgment and order.

For Petitioner : Mrs.Greetha Senthilkumar

For Respondent : Mr.P.Kritika Kamal
Government Advocate (Crl. Side)

O R D E R

This case is taken up through video conferencing.

2. While the petition in Crl.M.P.No.4875 of 2020 is filed to
suspend the sentence of imprisonment imposed on the petitioner by
judgment and order dated 11.01.2019 passed in C.C.No.228 of 2013 on
the file of the Judicial Magistrate Court, Thiruthuraipoondi,
confirmed by the judgment and order dated 27.02.2020 passed in
C.A.No.2 of 2019 on the file of the District and Sessions Court,
Thiruvarur, the petition in Crl.M.P.No.4877 of 2020 is filed to
exempt the petitioner from surrendering before the District and
Session Court, Thiruvarur, pursuant to the aforesaid judgment and
order.

3. The petitioner, who was an accused in C.C.No.228 of 2013 before the Judicial Magistrate Court, Thiruthuraipoondi, was convicted of the offence under Section 304-A IPC and sentenced to undergo two years simple imprisonment and to pay a fine of Rs.2,000/-, in default to undergo three months simple imprisonment.

4. The appeal in C.A.No.2 of 2019 filed by the petitioner was dismissed by the District and Session Court, Thiruvavur, on 27.02.2020.

5. Challenging the concurrent findings of fact arrived at by the Courts below, the petitioner has filed the present revision petition along with the instant criminal miscellaneous petitions seeking suspension of sentence and exemption from surrender, respectively.

6. Heard Mrs.Greetha Senthilkumar, learned counsel for the petitioner and Mrs.P.Kritika Kamal, learned Government Advocate (Crl.Side) for the respondent/State.

7. It is the case of the prosecution that on 05.11.2013, the petitioner, who was on the wheels of TATA Ace four wheeler hit the two wheeler that was driven by the deceased resulting in the death of the latter.

8. The petitioner has raised substantial grounds in the revision petition which require detailed appraisal. Further, the revision petition is not likely to be taken up in the near future. Moreover the petitioner has been in incarceration from 28.03.2019. In such view of the matter, this Court is of the view that the petitioner is entitled to the reliefs of suspension of sentence and bail and exemption from surrendering before the Sessions Court.

9. Accordingly, the reliefs of suspension of sentence and bail and exemption from surrendering before the Sessions Court are granted to the petitioner on the following conditions:

- (i) The petitioner shall surrender before the Judicial Magistrate Court, Thiruthuraipoondi, within two weeks from the date of receipt of a copy of this order;
- (ii) On his surrender, the petitioner shall be released on bail on he executing 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 Judicial Magistrate Court, Thiruthuraipoondi;
- (iii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judicial Magistrate, Thiruthuraipoondi, may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity; and

(iii) The petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal 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 Cr.P.C. 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/-

14/08/2020

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,
THIRUTHURAIPOONDI

2 THE DISTRICT AND SESSIONS
JUDGE, THIRUVARUR

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUTHURAIPOONDI POLICE STATION,
THIRUVARUR DISTRICT.

C.C. to M/S.GREETHA SENTHILKUMAR Advocate on payment of
necessary charges

Order

in
Crl.M.P.Nos.4875 & 4877 of 2020
in Crl.R.C.No.667 of 2020

Date :14/08/2020

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

RVR 18/08/2020