

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.M.P.Nos.5093 & 5095 of 2020

in Crl.R.C.No.712 of 2020

D.Kannan

.. Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
Traffic Investigation Wing,
West Police Station,
Coimbatore.
(Crime No.362 of 2012)

.. Respondent/Complainant

Prayer in Crl.M.P.No.5093 of 2020: Criminal Miscellaneous Petition filed under Section 397(1) Cr.P.C. to suspend the sentence imposed on the petitioner by judgment and order dated 20.04.2017 passed in C.C.No.64 of 2013 on the file of the Judicial Magistrate Court No.VIII, Coimbatore, confirmed by the judgment and order dated 06.08.2020 passed in C.A.No.94 of 2017 on the file of the V Additional District and Sessions Court, Coimbatore and to enlarge the petitioner on bail till the disposal of the revision petition.

Prayer in Crl.M.P.No.5095 of 2020: Criminal Miscellaneous Petition filed under Section 482 Cr.P.C. to exempt the petitioner from surrendering before the lower Court, pursuant to the aforesaid judgments and orders, pending disposal of this criminal revision petition.

For Petitioner : Mr.R.Venkatesan

For Respondent: Mr.K.Madhan 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.5093 of 2020 is filed to suspend the sentence imposed on the petitioner by judgment and order dated 20.04.2017 passed in C.C.No.64 of 2013 on the file of the Judicial Magistrate Court No.VIII, Coimbatore, confirmed by the judgment and order dated 06.08.2020 passed in C.A.No.94 of 2017 on the file of the V Additional District and Sessions Court, Coimbatore, the petition in Crl.M.P.No.5095 of 2020 is filed to exempt the petitioner from surrendering before the lower Court, pursuant to the

aforesaid judgments and orders, pending disposal of this criminal revision petition.

3. The petitioner, who was an accused in C.C.No.64 of 2013 before the Judicial Magistrate Court No.VIII, Coimbatore, was convicted of the offences under Sections 279, 337 (2 counts) and 304-A IPC and sentenced as under:

S.No.	Provision under which convicted	Sentence
1	Section 279 IPC	Three months simple imprisonment and fine of Rs.500/-, in default to undergo two weeks simple imprisonment.
2	Section 337 IPC (2 counts)	Six months simple imprisonment and fine of Rs.1,000/-, in default to undergo two weeks simple imprisonment.
3	Section 304-A IPC	One year simple imprisonment and fine of Rs.3,500/-, in default to undergo one month simple imprisonment.

The aforesaid sentences were ordered to run concurrently.

4. The appeal in C.A.No.94 of 2017 filed by the petitioner was dismissed by the V Additional District and Sessions Court, Coimbatore, on 06.08.2020.

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 bail and exemption from surrender, respectively.

6. Heard Mr.R.Venkatesan, learned counsel for the petitioner and Mr.K.Madhan, learned Government Advocate (Crl.Side) appearing for the respondent/State.

7. 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. 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.

8. 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 No.VIII, Coimbatore, on or before 25.09.2020;

- (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 No.VIII, Coimbatore;
- (iii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judicial Magistrate No.VIII, Coimbatore, may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity; and
- (iv) 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/-

26/08/2020

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,
NO.VIII, COIMBATORE.

2 V ADDITIONAL DISTRICT AND
SESSIONS JUDGE, COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

WEB COPY

4 INSPECTOR OF POLICE,
COIMBATORE, TRAFFIC INVESTIGATION WING,
WEST POLICE STATION, COIMBATORE.

C.C. to RIGHT LAW ASSOCIATES Advocate on payment of necessary
charges

Crl.M.P.Nos.5093 & 5095 of 2020

in Crl.R.C.No.712 of 2020

Date :26/08/2020

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

RVR 02/09/2020



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