



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Twentieth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL.M.P. (MD)Nos.2877 and 2878 of 2020

in

CRL.R.C(MD)No.344 of 2020

MATHIYAZHAGAN

... PETITIONER/ACCUSED
IN BOTH PETITIONS

Vs

THE INSPECTOR OF POLICE,
TRAFFIC WING- THANJAVUR,
THANJAVUR.
(CRIME NO.158/2015)

... RESPONDENT/COMPLAINANT
IN BOTH PETITIONS

Prayer in CRL MP(MD). 2877/ 2020 IN CRL.R.C(MD)No.344 of 2020 :

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence upon the petitioner by the Principal District and Sessions Court, Thanjavur in C.A.No.94 of 2019 dated 10/01/2020 modifying the sentence imposed upon the petitioner in C.C.No.138 of 2015 dated 27/06/2019 passed by the Judicial Magistrate No.III, Thanjavur pending disposal of the above Criminal Revision Petition and thus render justice.

Prayer in CRL MP(MD). 2878/ 2020 IN CRL.R.C(MD)No.344 of 2020:

To pass an order exempting the petitioner from being surrendered before the Learned Judicial Magistrate No.III, Thanjavur, Connection with the sentence imposed upon the petitioner by the in C.A.No.94 of 2019 dated 10/01/2020 modifying the sentence imposed upon the petitioner in C.C.No.138 of 2015 dated 27.06.2019 passed by the Learned Judicial Magistrate No.III, Thanjavur pending disposal of the above Criminal Revision Petition.

Order : These petitions coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of M/S.P.GANAPATHI SUBRAMANIAN, Advocate for the petitioner in both petitions and of Mr.A.P.G.OHM CHAIRMA PRABHU, Government Advocate (Crl. Side) on behalf of the Respondent in both petitions, while admitting the Criminal Revision Case, the court made the following order:-

<https://hcservices.ecourts.gov.in/hcservices/>



The learned counsel for the petitioner submitted that the petitioner has been convicted by the learned trial judge, for the alleged offence under Section 304(A) of IPC and sentenced him to undergo simple imprisonment for a period of two years and to pay a fine of Rs.2,000/-, in default to undergo simple imprisonment for a period of one month in C.C.No.138 of 2015 on the file of the learned Judicial Magistrate No.3, Thanjavur.

2.The learned Principal District & Sessions Judge, Thanjavur, confirmed the conviction and sentence and dismissed the Criminal Appeal No.94 of 2019, dated 10.01.2020.

3.It is submitted by the learned counsel for the petitioner that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

4.It is submitted by the learned Government Advocate (Crl.side) that there are enough materials available on record against the petitioner as per the evidence adduced by the prosecution and there is no infirmity in the prosecution case and prays for dismissal of this petition.

5.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

6.The learned counsel for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal revision and further the criminal revision is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

7.Accordingly, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision 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.III, Thanjavur, and on further condition that the petitioner shall appear before the concerned Court daily at 10.30 a.m pending revision.



8.The petitioner is exempted from surrendering before the trial Court for the purpose of furnishing sureties.

sd/-
20/03/2020

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/ /2020

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.III, THANJAVUR.
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
THANJAVUR.
4. THE INSPECTOR OF POLICE,
TRAFFIC WING- THANJAVUR, THANJAVUR.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.GANAPATHI SUBRAMANIAN, Advocate (SR-5622[I] dated
20/03/2020)

ORDER
IN
CRL.M.P. (MD) Nos.2877
and 2878 of 2020
in
CRL.R.C(MD)No.344 of 2020
Date :20/03/2020

vsd
AE/PN/SAR-III (27.05.2020) 3P 7C