



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

Wednesday, the Thirteenth day of May Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.3030 of 2020
IN CRL RC(MD) No.352 of 2020
(Thro' V.C)

M.VAIRAMUTHU

... PETITIONER/ PETITIONER

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
SIVAKASI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

... RESPONDENT/ RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed in C.C.No.140 of 2010 dated 30.06.2016 passed by the Learned Judicial Magistrate, Sivakasi confirmed in C.A.No.66 of 2016 dated 13.03.2020 by the Learned Principal District and Sessions Court, Virudhunagar at Srivilliputhur.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.A.K.MANICKAM, Advocate for the petitioner and of Mr.A.P.G.OHM CHAIRMA PRABHU, Government Advocate(Crl.Side) on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed in C.C.No.140 of 2010, dated 30.06.2016 passed by the Judicial Magistrate, Sivakasi, which was confirmed in C.A.No.66 of 2016, dated 13.03.2020 by the Principal District and Sessions Judge, Virudhunagar at Srivilliputhur and enlarge petitioner/Accused on bail pending disposal of the criminal revision.

2.The learned counsel appearing for the petitioner/Accused submitted that according to the prosecution, on 30.10.2009 when the de-facto complainant was proceeding in his bicycle near Sithurajapuram Bus Stop, the accused drive his Maruthi Omni Van TN-67-D-9849 in a rash and negligent manner and dashed against the de-facto complainant and thereby caused his death and the petitioner/Accused was convicted by the trial court for the offence under Section 304(A) IPC and sentenced him to undergo two years of



simple imprisonment, which was also confirmed by the first appellate court.

3.The learned counsel appearing for the petitioner/Accused to further submitted that the petitioner/Accused is an innocent person and he was not responsible for the accident and that there are several infirmities in the prosecution case and there are contradictions in material particulars between the evidence of the prosecution witnesses and that the petitioner/Accused is in jail since 13.03.2020 and prays for suspension of sentence.

4.It is submitted by the learned Additional Public Prosecutor appearing for the respondent/State that both the courts below have rightly convicted the petitioner and there are enough materials available on record against the petitioner/Accused 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 forth on either side and also perused the materials available on record.

6.The learned counsel for the petitioner/Accused pointed out 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 the petitioner/Accused is in incarceration since 13.03.2020 and as such, this court is of the considered view that the petitioner/Accused herein is entitled to the relief of grant of suspension of sentence.

7.Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision and the petitioner/Accused is directed to be enlarged on bail on condition that he 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 Judicial Magistrate, Sivakasi and on further condition that the petitioner/Accused shall appear before the said court daily at 10.30 am, pending revision.

sd/-
13/05/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.

2. THE JUDICIAL MAGISTRATE, SIVAKASI.

3. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.

4. THE INSPECTOR OF POLICE
SIVAKASI TOWN POLICE STATION, VIRUDHUNAGAR DISTRICT.

5. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL MP(MD) No.3030 of 2020

IN

CRL RC(MD) No.352 of 2020

Date :13/05/2020

MS/PN/SAR-2/13.05.2020/3P.7C