

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.05.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

CrI.MP.No.5662 of 2021
and
CrI.RC No.270 of 2021

S.Kotti

...Petitioner

-Vs-

State Rep. by
The Inspector of Police,
Thimiri Police Station,
Ranipet District.

...Respondent

Criminal Miscellaneous Petition is filed under Section 389(1) of Cr.P.C. to suspend the sentence imposed in the judgment passed in CA. No.69 of 2019 by the learned II Additional District cum Sessions court, Vellore, Ranipet, dated 06.03.2021 by confirming the sentence passed in CC.No.19 of 2016 on the file of the learned District munsif cum Judicial Magistrate I, Walajapet, Vellore District dated 06.07.2019 till the disposal of the above main revision petition.

For Petitioner : Mr.N.Elayaraja

For Respondent : Ms.V.Saradha Devi
Government Advocate (CrI.Side)

ORDER

The petitioner figured as accused in C.A.No.69 of 2019 on the file of learned II Additional District and Sessions Judge, Ranipet @ Vellore. By the impugned judgment dated 06.03.2021, the Appellate Judge convicted the petitioner for the offence u/s.279 IPC and sentenced to undergo three months Simple Imprisonment along with a fine of Rs.1000/- in default to undergo two weeks simple imprisonment and also convicted the petitioner for the offence under Section 304(A) IPC and sentenced to undergo two years simple imprisonment along with a fine of Rs.9,000/- in default, to undergo three months simple imprisonment. Challenging the judgment passed in C.A.No.69 of 2019 dated 06.03.2021 on the file of the learned II Additional District and Sessions Judge, Vellore @ Ranipet, the

petitioner has filed the above miscellaneous petition seeking suspension of substantive sentence of imprisonment.

2. The learned counsel for the petitioner submitted that the petitioner was driving a bus in question with due care and caution. Unfortunately, the deceased child, while crossing the road, came under the wheel of the bus which the petitioner was driving.

3. The learned Government Advocate submitted that the Court below has appreciated the entire evidence and has given elaborate reasons for convicting and sentencing the petitioner.

4. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner that there are arguable points which requires a consideration in the revision and the revision cannot be taken up for hearing in the near future. Therefore, this Court is inclined to suspend the sentence imposed by the Court below.

5. The sentence imposed by the Court below vide Judgment made in C.A.No.69 of 2019 dated 06.03.2021 on the file of learned II Additional District and Sessions Judge, Ranipet @ Vellore is hereby suspended 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 District Munsif cum Judicial Magistrate No.1, Walajahpet and the petitioner shall appear before the said Court on the first working day of every English Calender month at 10.30 a.m. until further orders.

6. Accordingly, this petition is ordered.

-sd/-
05/05/2021

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 II ADDITIONAL DISTRICT CUM
SESSIONS COURT, VELLORE, RANIPET.

2 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE NO.I, WALAJAPET,
VELLORE DISTRICT.

3 THE INSPECTOR OF POLICE,
THIMIRI POLICE STATION,
RANIPET DISTRICT.

4 THE CHIEF JUDICIAL MAGISTRATE
VELLORE DISTRICT. (FOR INFORMATION)

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S.N.ELAYARAJA Advocate on payment of necessary
charges SR.No. 5989

Order

in
CRL MP.5662/2021

Date :05/05/2021

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rg.13.05.2021



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