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Crl M.P.Nos. 11738 & 11740 of 2021

in

Crl.R.C.No.780 of 2021

A.D.JAGADISH CHANDIRA, J.,

These Criminal Miscellaneous Petitions have been filed by the Petitioner, seeking suspension of sentence imposed in C.C.No.157 of 2015 dated 06.09.2019 on the file of the Judicial Magistrate No.VIII at Coimbatore, as confirmed by the Judgment dated 03.08.2021 made in Criminal Appeal No.321 of 2019 passed by the III Additional District & Sessions Judge at Coimbatore, pending disposal of the above Criminal Revision Petition and also to exempt the petitioner from surrendering with reference to the conviction and sentence imposed in C.C.No.157 of 2015 dated 06.09.2019 on the file of the Judicial Magistrate No.VIII at Coimbatore, pending disposal of the Criminal Revision Case.

2. Learned Counsel for the petitioner submits that witnesses are relatives and their presence at the scene of occurrence is highly doubtful. He further submits that the witnesses could not have been present at the



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place of occurrence. The Courts below erred in accepting the evidence of all the witnesses.

3. Learned Government Advocate, (Criminal Side) submits that the petitioner is the driver of the State Transport Corporation Bus, who was driving the vehicle in a rash and negligent manner and caused death of the victim. The witnesses have spoken about the accident and identified that the petitioner has driven the vehicle in rash and negligent manner at the time of incident and caused the death of the victim.

4. According to the learned counsel for the Petitioner/accused, there are arguable points available in the Criminal Revision Case, which is not likely to be taken for final hearing in the near future and the Petitioner/accused has got a fair chance of succeeding in the Criminal Revision Case and hence, the sentence imposed against the Petitioner/Accused may be suspended and the Petitioner may be exempted from surrendering before the Trial Court.



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5. Heard the learned counsel on either side and perused the materials on record.

6. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel on either side, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Revision Case, the reliefs of exemption from surrender before the Trial Court, suspension of sentence and bail are granted, on the following conditions :-

- i. 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 Judicial Magistrate No.VIII, Coimbatore.
- ii. The petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.



WEB COPY 7. The Criminal Miscellaneous Petitions are ordered accordingly.

22.11.2021
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To

The Judicial Magistrate No.VIII, Coimbatore.

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