



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Thursday, the Second day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION NOS.12129 AND 12709 of 2021

IN CRL.R.C.NO.851 of 2021

BOOPATHI

[ PETITIONER]

[CRL.MP.NOs.12129&12709/2021  
IN CRL.RC.NO.851 of 2021]

Vs

THE STATE REP BY  
THE INSPECTOR OF POLICE,  
MOHANUR POLICE STATION,  
NAMAKKAL.

[ RESPONDENT]  
[CRL.MP.NOs.12129&12709/2021  
IN CRL.RC.NO.851 of 2021]

Petitions praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.851 of 2021 on the file of the High Court, the High Court will be pleased to

(i)Set aside the Judgment dated 21.10.2021 in Crl.A.No.48 of 2021 on the file of Sessions Judge, Special Court for Trial of Cases Registered under SC/ST(POA) Act at Namakkal confirming the judgment dated 24.02.2021 passed in C.C.No.116/2017 on the file of the Judicial Magistrate No.II, Namakkal, and pending disposal of the above CRL.R.C.NO.851 of 2021 (IN CRL.MP.NO.12129/2021).

(ii)Exempt the petitioner from surrendering before the Trial Court Judicial Magistrate No.II, Namakkal, in connection with C.C.No.116 of 2017, pending disposal of the above CRL.R.C.NO.851 of 2021 (IN CRL.MP.NO.12709/2021).

Order : These petitions coming on for orders upon perusing the petitions and the Memorandum of Grounds in Criminal Revision Case No.851 of 2021 on the file of the High Court and upon hearing the arguments of MR.A.TAMILVANAN Advocate for the Petitioner and of MR.S.SUGENDRAN Govt. Advocate (Crl. Side)on behalf of the Respondent the court made the following order:-



These Criminal Miscellaneous Petitions have been filed by the Petitioner/Accused, seeking suspension of sentence of imprisonment, imposed by the order dated 24.02.2021 passed in C.C.No.116 of 2017 by the Judicial Magistrate No.II, Namakkal and confirmed by the judgment dated 21.10.2021 in CrI.A.No.48 of 2021 by the learned Sessions Judge, Special Court for trial of Cases registered under SC/ST(POA) Act, Namakkal and to exempt the Petitioner/ Accused, from surrendering before the Trial Court, in connection with the conviction and sentence, imposed by the order dated 24.02.2021 passed in C.C.No.116 of 2017 by the Judicial Magistrate No.II, Namakkal, pending disposal of the Criminal Revision Case.

2. In and by both the impugned judgements, the Petitioner/accused was convicted for the offence under Section 304(A) IPC and sentenced to undergo six months Simple Imprisonment and for the offence under section 279 IPC sentenced to pay a fine of Rs.1000/- and in default to undergo three months Simple imprisonment and for the offence under section 338 IPC sentenced to pay a fine of Rs.1000/- in default to undergo three months simple imprisonment.

3. Learned counsel for the petitioner would submit that the courts below failed to take into consideration the non examination of the Motor Vehicle Inspector and the defacto complainant who had conducted the post mortem. 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.

4. Heard the learned counsel for the petitioner and Mr.S.Sugendran, learned Government Advocate (CrI side) who takes notice for the respondent and perused the materials on record.

5. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner, this Court is of the view that the sentence of imprisonment 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.II, Namakkal.
- 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.



6. The Criminal Miscellaneous Petitions are ordered accordingly.

-sd/-  
02/12/2021

WEB COPY

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 SESSIONS JUDGE,  
SPECIAL COURT FOR TRIAL OF CASES  
REGISTERED UNDER SC/ST (POA) ACT, NAMAKKAL.

2 THE JUDICIAL MAGISTRATE,  
NO.II, NAMAKKAL.

3 THE CHIEF JUDICIAL MAGISTRATE  
NAMAKKAL [FOR INFORMATION]

4 THE INSPECTOR OF POLICE,  
MOHANUR POLICE STATION,  
NAMAKKAL DISTRICT.

5 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

C.C. to M/S.A.TAMILVANAN Advocate on payment of necessary  
charges

Order  
in  
CRL MP.NOs.12129&12709/2021  
in  
CRL.RC.NO.851/2021  
Date :02/12/2021

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

CSK 02/11/2021

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