



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

Monday, the Twenty Ninth day of March Two Thousand and Twenty One

PRESENT

**The Hon`ble Mrs.Justice R.THARANI**

**Crl MP.(MD) Nos.2683 and 2684 of 2021  
in  
Crl RC(MD) No.269 of 2021**

MUPPILI

... PETITIONER/PETITIONER  
IN BOTH THE PETITIONS

Vs

STATE: THE SUB INSPECTOR OF POLICE,  
SIVANTHIPATTI POLICE STATION.  
CRIME NO.04 OF 2011.

... RESPONDENT/RESPONDENT  
IN BOTH THE PETITIONS

**PRAYER IN CRL MP(MD)No.2683 OF 2021 IN Crl RC(MD) No.269 of 2021:**

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence and conviction passed in the judgment dated 24/08/2020 made in C.A.No.65 of 2018 on the file of the 4<sup>th</sup> Additional District and Sessions Judge, Tirunelveli, confirming the sentence imposed by the trial court in S.T.C.No.65 of 2013 dated 28.05.2018 on the file of the Judicial Magistrate No.3, Tirunelveli pending disposal of the Criminal Revision.

**Prayer in CRL MP(MD). 2684/ 2021 IN Crl RC(MD) No.269 of 2021:**

To exempt the petitioner from surrender in view of his conviction in S.T.C.No.65 of 2013 dated 28/05/2018 on the file of the Judicial Magistrate No.3, Tirunelveli and the same was 'confirmed' in the judgment dated 24/08/2020 in C.A.No.65 of 2018 on the 4<sup>th</sup> Additional District and Sessions Judge, Tirunelveli pending disposal of the Criminal Revision.

**Prayer in CRL RC(MD)No.269 of 2021:**

To allow the Revision and set aside the judgment dated 24.08.2020 in C.A.No.65 of 2018 on the file of the 4<sup>th</sup> Additional District and Sessions Judge, Tirunelveli, confirming the sentence imposed by the Trial Court in S.T.C.No.65 of 2013 dated 28.05.2018 on the file of the Judicial Magistrate No.3, Tirunelveli convicting the petitioner to pay a fine of Rs.1000/- in default to undergo 1 month simple imprisonment for the offence under section 279 of I.P.C and to pay a fine of Rs.500/- for each count in default to undergo 1



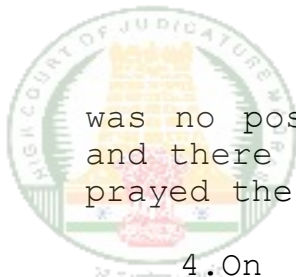
month simple imprisonment for the offence under section 337 (4 counts) of I.P.C and to undergo 3 month simple imprisonment and to pay a fine of Rs.1000/- in default to undergo 1 month simple imprisonment for the offence under section 338 of I.P.C.

Order : These petitions coming up for orders on this day, upon perusing the petitions filed in support thereof and upon hearing the arguments of Mr.T.SELVAN, Advocate for the petitioner in both the petitions and of Mr.S.CHANDRASEKAR, Additional Public Prosecutor on behalf of the Respondent in both the petitions, while admitting the Criminal Revision Petition, the Court made the following order:-

These petitions have been filed (i) to suspend the sentence imposed by the Additional District and Sessions Judge, Tirunelveli, in Criminal Appeal No.65 of 2018, dated 24.08.2020 confirming the judgment passed in S.T.C.No.65 of 2013, dated 28.05.2018, on the file of the Judicial Magistrate No.3. Tirunelveli, till the disposal of the revision and (ii) to exempt the petitioner from surrendering before the trial Court.

2.The case against the petitioner is that on 15.01.2011 at about 8.30 p.m, the petitioner drove his vehicle bearing Registration No.TN-02-M-2738 in a rash and negligent manner and dashed against five pedestrians and caused grievous injury to one person and simple injury to four persons. A case in Crime No.4 of 2011 was registered against the petitioner and the same was taken on file as S.T.C.No.65 of 2013 on the file of the Judicial Magistrate No.3, Tirunelveli. The learned Magistrate convicted the petitioner under Sections 279, 337 (4 counts) and 338 of I.P.C. The trial Court convicted the petitioner under Section 279 of IPC and sentenced to pay a fine of Rs.1,000/- (Rupees One Thousand only), in default to undergo one month simple imprisonment and convicted the petitioner under Section 337 (4 counts) of I.P.C. and sentenced him to pay a fine of Rs.500/- (Rupees Five Hundred only), for each count, in default to undergo one month simple imprisonment for each count and convicted the petitioner under Section 338 of I.P.C. and sentenced him to undergo three months simple imprisonment and to pay a fine of Rs.1,000/- (Rupees One Thousand only), in default, to undergo a further period of one months simple imprisonment. Against the said conviction and sentence the petitioner filed an appeal in C.A.No.65 of 2018 on the file of the Additional District and Sessions Judge, Tirunelveli. That appeal was dismissed by the Sessions Judge. Against the same, the petitioner preferred this revision in Crl.R.C. (MD)No.269 of 2021. Along with the revision, the petitioner filed the present applications (i) for suspension of sentence, pending disposal of the said revision and (ii) to exempt the petitioner from surrendering before the trial Court.

3.On the side of the petitioner, it is stated that the occurrence took place at night hours. All the witnesses were on a vehicle moving in the same direction as the petitioner's vehicle. The vehicle dashed behind back them and there



was no possibility of the witnesses, to have seen the occurrence and there are much more points for consideration in the revision and prayed the sentence to be suspended.

4. On the side of the respondent, it is stated that the prosecution has examined 11 witnesses and marked 12 documents. P.W.1 to P.W.5 are injured witnesses. P.W.1 sustained fracture in the legs and the prosecution has proved the case beyond all reasonable doubts and prayed the petition to be dismissed.

5. It is seen that the occurrence took place in the year 2011 and there are some arguable points for consideration in the main revision. There is no likelihood of the revision to be taken up for final hearing in the near future. In the above circumstances, this Court is inclined to suspend the sentence.

6. Accordingly, Crl.M.P.(MD)No.2683 of 2021 is allowed and the substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be released on bail on the following conditions:-

(i) the petitioner is not exempted from surrendering before the trial Court and the petitioner is directed to surrender before the Judicial Magistrate No.3. Tirunelveli, within a period of two weeks from the date of receipt of copy of this order;

(ii) the petitioner is directed to execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, of whom, one should be a blood relative, for a like sum to the satisfaction of the Judicial Magistrate No.3. Tirunelveli;

(iii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of any valid identity proof to ensure their identity ;

(iv) the petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the revision or until further orders.

7. Accordingly, Crl.M.P.(MD)No.2684 of 2021 is dismissed.

sd/-  
29/03/2021

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/ /2021  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.



TO

1.THE 4TH ADDITIONAL DISTRICT AND SESSIONS JUDGE,  
TIRUNELVELI.

2.THE JUDICIAL MAGISTRATE NO.3, TIRUNELVELI.

3.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,  
TIRUNELVELI DISTRICT.

4.THE SUB INSPECTOR OF POLICE,  
SIVANTHIPATTI POLICE STATION.

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

ORDER

IN

Crl MP.(MD) Nos.2683 and 2684 of 2021

in

Crl RC(MD) No.269 of 2021

Date :29/03/2021

Ls

AE/JC/ (07/04/2021) 4P / 6C