



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

Thursday, the Eighteenth day of March Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice R.THARANI

Crl.M.P.(MD)Nos.2323 and 2324 of 2021
in
Crl.R.C.(MD) No.221 of 2021

AYYASAMY

... PETITIONER/ PETITIONER
in both the petitions

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
AYYAMPETTAI POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.114/2018.

... RESPONDENT/ RESPONDENT
in both the petitions

PRAYER IN Crl.M.P.(MD)No.2323 of 2021:

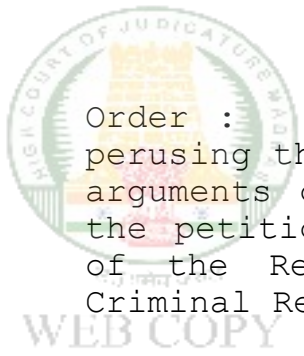
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the sentence of Imprisonment passed by the Learned IInd Additional District and Sessions Judge, Thanjavur in Crl.A No.97 of 2019 by the judgment dated 23.12.2020 by confirming the judgment and conviction and sentence imposed the learned Judicial Magistrate No.III, Thanjavur, in C.C.No.89 of 2018 dated 16.07.2019 and enlarge the petitioner on bail, pending disposal of the Criminal Revision.

Prayer in CRL MP(MD) . 2324/ 2021 :

To Exempt the Petitioner from surrender in pursuant to the judgment dated 23.12.2020 by the Learned IInd Additional District and Sessions Judge, Thanjavur in Crl.A No.97 of 2019 by confirming the judgment and conviction and sentence imposed the learned Judicial Magistrate No.III, Thanjavur in C.C.C.No.89 of 2018 dated 16.07.2019 pending disposal of Criminal Revision.

Prayer in Crl.R.C.(MD) No.221 of 2021:

To call for the records of the learned IInd Additional District and Sessions Judge, Thanjavur in Crl.A No.97 of 2019 by judgment dated 23.12.2020, confirming the conviction and sentence imposed by the learned Judicial Magistrate No.III, Thanjavur in C.C.C.No.89 of 2018 by the judgment dated 16.07.2019 and set aside the judgments of the Courts below and acquit the petitioner.



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.M.KARUNANITHI, Advocate for the petitioner in both the petitions and of Mrs.S.BHARATHI, Government Advocate on behalf of the Respondent in both the petitions, While admitting the Criminal Revision, the court made the following order:-

These petitions have been filed (i) to suspend the sentence passed in C.C.No.89 of 2018, on the file of the Judicial Magistrate No.III, Thanjavur, dated 16.07.2019, as confirmed in Criminal Appeal No.97 of 2019, dated 23.12.2020, on the file of the II Additional District and Sessions Judge, Thajavur and (ii) to exempt the petitioner from surrendering before the lower Court.

2.The allegation against the petitioner is that he drove a Tractor with a water tank in a rash and negligent manner and dashed against a person and caused his death. A case was registered in Crime No.114 of 2018, under Section 304-A I.P.C., by the respondent police and the same was taken on file as C.C.No.89 of 2018 by the judicial Magistrate No.III, Thanjavur. The Judicial Magistrate No.III, Thanjavur, found the petitioner guilty under Section 304-A I.P.C. and he was sentenced to undergo one year simple imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo for a further period of one month simple imprisonment. Against the said conviction and sentence, the petitioner preferred an appeal in C.A.No.97 of 2019 before the II Additional District and Sessions Judge, Thajavur and the learned Judge confirmed the conviction and sentence, on 23.12.2020. Against the same, the petitioner filed the revision in Crl.R.C.(MD)No.221 of 2021. Along with the revision, the petitioner preferred these petitions, (i) for suspension of sentence and (ii) for exempting the petitioner from surrendering before the lower Court.

3.On the side of the petitioner, it is stated that the allegation against the petitioner is that he drove the vehicle in a rash manner. All the witnesses belong to the village of P.W.1. No independent witness was examined by the prosecution and there are much more points for arguments in the main revision and prayed the sentence to be suspended.

4.On the side of the prosecution, it is stated that the prosecution has examined 8 witnesses and marked 7 documents. The prosecution has proved the case beyond all reasonable doubts.

5. Considering the nature of the offence and considering the fact that there is no serious objection on the part of the prosecution, regarding the suspension of sentence, this Court is inclined to suspend the sentence.



6. Accordingly, Crl.M.P.(MD)No.2323 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.III, Thanjavur, 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) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Judicial Magistrate No.III, Thanjavur,

(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 their valid identity card to ensure their identity.

(iv) the petitioner shall appear before the Trial Court **as as when required** for interrogation by the trial Court.

7. In view of the above, Crl.M.P.(MD)No.2324 of 2021 is dismissed.

sd/-

18/03/2021

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/ /2021

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

TO

- 1 THE IIND ADDITIONAL DISTRICT AND SESSIONS JUDGE, THANJAVUR.
- 2 THE JUDICIAL MAGISTRATE NO.III, THANJAVUR.
- 3 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 4 THE INSPECTOR OF POLICE
AYYAMPETTAI POLICE STATION, THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

Crl.M.P.(MD)Nos.2323 and 2324 of 2021
in Crl.R.C.(MD) No.221 of 2021

Date :18/03/2021

Ls

MS/VR/SAR-4/18.03.2021/3P.6C

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