



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

Tuesday, the First day of June Two Thousand and Twenty One

PRESENT

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The Hon'ble Mr. Justice A.A.NAKKIRAN

CRL MP(MD) No.3678 of 2021

IN

CRL RC(MD)No.365 of 2021

DHANAPAL

... PETITIONER/PETITIONER/
SOLE ACCUSED

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE
KULITHALAI POLICE STATION,
KARUR DISTRICT.
CRIME No. 414 OF 2015.

... RESPONDENT/RESPONDENT

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 release the petitioner on Bail in the conviction and sentence passed in the judgment in CA.No.28/2020 dated 08.02.2021 on the file of the Learned Court of Sessions Judge, Karur and confirmed the judgment passed in CC.No.199/2015 27.02.2020, on the file of the Learned Judicial Magistrate No.II, Kulithalai, pending disposal of the above Criminal Revision Petition.

Prayer in CRL RC(MD)No.365/2021 :

To call for the records of the impugned in C.A.No.28 of 2020 dated 08.02.2021 on the file of the Learned Court of Sessions Judge, Karur and which was confirmed the judgment passed in C.C.No.199 of 2015 dated 27.02.2020, on the file of the Learned Judicial Magistrate No.II, Kulithalai and set aside the same.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.VAMANAN K, Advocate for the petitioner and of Mr.M.MUTHUMANIKKAM, Government Advocate (Crl.side) on behalf of the Respondents the court made the following order:-

1.This Criminal Miscellaneous Petition has been filed by the Petitioner/Accused, seeking suspension of sentence and release the petitioner on bail in the conviction and sentence passed in the Judgment in C.A.No.28 of 2020 dated 08.02.2021 on the file of the learned Sessions Judge, Karur and the Judgment passed in C.C.No.199 of 2015 dated 27.02.2020 on the file of the learned Judicial Magistrate No.II, Kulithalai, pending disposal of the Criminal Revision Petition.



2.This court heard the learned counsel on either side and also perused the materials placed on record.

3.In and by the impugned judgment, the Petitioner/ accused was convicted and sentenced for the offence under Section 304(A) I.P.C. to undergo one year Rigorous Imprisonment and was imposed Rs.20,000/- as compensation under Section 357(3) Cr.P.C to the family of the deceased.

4.According to the learned counsel for the Petitioner/accused, there are arguable points available in the Criminal Revision, 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 and hence, the substantive sentence imposed against the Petitioner/Accused may be suspended.

5.The learned Government Advocate (Crl.Side), has raised objections for suspending the sentence.

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, the substantive sentence of imprisonment alone is suspended and the Petitioner/ accused is ordered to be enlarged on bail, 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, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Judicial Magistrate Court No.II, Kulithalai and on further condition that:

(ii) 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 Aadhar Card or Bank Pass Book to ensure their identity.

(iii) the petitioner shall appear before the Trial Court as and when required.

sd/-
01/06/2021

/ TRUE COPY /

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



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE SESSIONS JUDGE, KARUR.
 2. THE JUDICIAL MAGISTRATE No.II,
KULITHALAI.
 3. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
 4. THE INSPECTOR OF POLICE,
KULITHALAI POLICE STATION,
KARUR DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1 CC to Mr.K.VAMANAN, Advocate (SR-3768[I] dated 01/06/2021)

ORDER
IN
CRL MP(MD) No.3678 of 2021 IN
CRL RC(MD)No.365 of 2021
Date :01/06/2021

MSA
TE/VR/SAR-IV : 01/06/2021 : 3P/7C