



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

Monday, the Fifteenth day of November Two Thousand and Twenty One
PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.7218 of 2021
IN
CRL A(MD)No.393 of 2021

SARAVANAN MUKESH @ SARAVANAN MAHESH

... PETITIONER/APPELLANT/
SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
PULIYARAI POLICE STATION,
TENKASI DISTRICT
(CRIME NO.108 OF 2015)

... RESPONDENT/RESPONDENT/
COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the execution of sentence by granting bail in S.C. No. 261 of 2017 dated. 03.09.2021 on the file of the Additional District and Sessions Judge (FTC), Tenkasi pending disposal of the above Criminal Appeal.

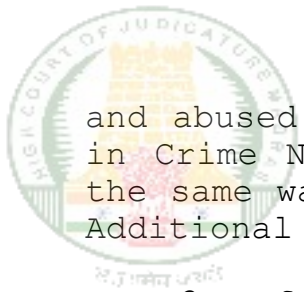
PRAYER IN CRL A(MD)No.393 of 2021:

To admit this appeal on file, to call for the records from the lower court in S.C.No.261 of 2017 on the file of the Additional District and Sessions Judge(FTC), Tenkasi and set aside the Judgment dated 03.09.2021 by acquitting the accused by allowing the appeal.

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.M.KATHIRVELU, Senior Advocate for M/S.K.PRABHU, Advocate for the petitioner and of Mr.R.M.ANBUNITHI, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition has been filed under Section 389(1) of the Criminal Procedure Code, to call for the records in S.C.No. 261 of 2017 on the file of the Additional District and Sessions Judge (FTC), Tenkasi.

2. On 08.08.2015, at about 6.40 pm, the petitioner drove a Omni Van in a rash and negligent manner, with the intention to murder P.W.1, who was riding a two wheeler, and caused grievous injuries



and abused her in filthy language and also intimidated him. A case in Crime No.108 of 2015 was registered against the petitioner and the same was taken on file as S.C.No.261 of 2017 on the file of the Additional District and Sessions Court (FTC), Tenkasi.

3. After trial, the trial Court convicted and sentenced the petitioner to undergo rigorous imprisonment for a period of seven years and to pay a fine of Rs.2,000/- (Rupees Two Thousand only) in default, to undergo simple imprisonment for three months, for the offence under Section 307 IPC and convicted and sentenced the petitioner to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.2000/- (Rupees Two Thousand only) in default, further to undergo simple imprisonment for three months under Section 3 of Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992. Against the conviction and sentence, the petitioner has preferred an appeal in Crl.A.(MD).No.393 of 2021. Along with the appeal, the petitioner has filed this petition for suspension of sentence.

4. On the side of the petitioner, it is stated that the petitioner was enjoying bail throughout the trial. There is no motive behind the accident. The first report of the P.W.1 was suppressed by the prosecution and prayed that the sentence is to be suspended.

5. On the side of the prosecution, it is stated that the petitioner is having 12 previous cases and the judgment was a recent one. The petitioner is a history sheeted offender. If the sentence is suspended, there is a chance for the petitioner to commit further offences and prayed that the petition to be dismissed.

6. Considering the facts and circumstances of the case and considering the nature of offence and also considering the fact that the judgment is a recent one, this Court is not inclined to suspend the sentence at present. Hence this Criminal Miscellaneous Petition is dismissed.

sd/-

15/11/2021

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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 ADDITIONAL DISTRICT AND SESSIONS JUDGE (FTC) ,
TENKASI.

2 THE INSPECTOR OF POLICE
PULIYARAI POLICE STATION,
TENKASI DISTRICT

3 THE SUPERINTENDENT, CENTRAL PRISON,
PALAYAMKOTTAI.

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

ORDER

IN

CRL MP (MD) No.7218 of 2021

IN

CRL A (MD) No.393 of 2021

Date :15/11/2021

SA/PN/SAR.4/25.11.2021/3P/5C