



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.M.P.No.108 of 2022

in

Crl.R.C.No.12 of 2022

Moorthy

... Petitioner

Vs.

State by Sub-Inspector of Police,
Haridhuvarmangalam Police Station,
Thiruvarur District.
(Crime No.48 of 2016)

... Respondent

PRAYER: The Criminal Miscellaneous Petition is filed under Section 397 (1) r/w 439 of the Code of Criminal Procedure, to suspend the sentence of imprisonment imposed in the Judgment dated 07.01.2021 made in C.C.No.41 of 2016 on the file of the District Munsif-cum-Judicial Magistrate Court, Neendamangalam and which was confirmed in the judgment dated 30.11.2021 made in C.A.No.5 of 2021 on the file of the Principal District and Sessions Judge, Thiruvarur and enlarge the petitioner on bail.

For Petitioner : Mr.S.Sathish

For Respondent : Mr.S.Sugendran
Government Advocate (Crl.Side)

O R D E R

(This Case has been heard through Video Conference)

This Criminal Miscellaneous Petition has been filed by the Petitioner, seeking suspension of sentence of imprisonment, imposed by the District Munsif-cum-Judicial Magistrate Court, Neendamangalam in C.C.No.41 of 2016 dated 07.01.2021 which was confirmed by the learned Principal District and Sessions Judge, Thiruvarur in C.A.No.5 of 2021 dated 30.11.2021.



2. In and by the judgment of the Trial court, the petitioner/accused was convicted and sentenced to undergo three months simple imprisonment for the offence under Section 279 IPC, three months simple imprisonment for the offence under Section 337 (4counts) IPC and two years simple imprisonment for the offence under Section 304 (A) IPC, against which, the present revision has been filed.

3. Learned counsel for the petitioner would submit that the witnesses, who have travelled in the vehicle have only stated that the vehicle was driven in a speedy manner and has not been spoken as the vehicle being driven in rash and negligent manner. The accident had occurred due to mechanical failure, when the petitioner was driving a vehicle in a village road and vehicle had capsized and the victims had suffered injuries and one of them succumbed to injuries.

4. Learned counsel for the petitioner would further submit that the petitioner has been arrested on 22.12.2021 and he is now confined in Central Prison, Trichy and he has got a fair chance of succeeding in the Criminal Revision Case and there are arguable points available in the Criminal Revision Case, however, as the Revision Case is not likely to be taken for final hearing in the near future, the sentence imposed against the petitioner may be suspended and the petitioner may be enlarged on bail.

5. Mr.S.Sugendran, Learned Government Advocate (Crl.Side) would submit that the Courts below, taking into consideration the evidence of the witnesses, have found that the prosecution had proved the case beyond resonable doubts and had convicted the petitioner and the petitioner has been arrested and he is now confined in Central Prison, Trichy.

6. Heard the learned counsel for the parties and perused the materials on record.

7. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the parties, 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, suspension of sentence and bail are granted, on the following conditions :-

- i. The petitioner shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only), with two sureties, each for a like sum to the satisfaction of the Trial Court.
- 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 Petition is ordered accordingly.

-sd/-

07/01/2022

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 PRINCIPAL DISTRICT AND
SESSIONS JUDGE, THIRUVARUR.

2 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, NEEDAMANGALAM.

3 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR DISTRICT. [FOR INFORMATION]

4 THE SUB INSPECTOR OF POLICE,
HARIDHUVARMANGALAM POLICE STATION,
HARIDHUVARMANGALAM, THIRUVARUR DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SUPERINTENDENT,
CENTRAL PRISON,
TRICHY, TRICHY DISTRICT.

7 THE SECTION OFFICER,
CRIMINAL SECTION,
HIGH COURT, MADRAS.

+1 C.C. to M/S. S.SATHISH Advocate on payment of necessary
charges SR.NO.405

Order
in
CRL MP.108/2022
in
CRL RC.12/2022
Date :07/01/2022

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

RW 10/01/2022