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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2022

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.M.P.No.1258 of 2022

in Crl.R.C.No.131 of 2022

K.Ashokan

... Petitioner

..Vs..

State By:

... Respondent

The Inspector of Police,
H-1, Washermanpet Traffic Investigation Wing,
Crime No.264/III/2014

PRAYER: Criminal Miscellaneous petition filed under Section 397 r/w 439 of Cr.P.C, to suspend sentence of imprisonment imposed on the petitioner by the learned IV Additional City Civil and Sessions Court, Chennai by order dated 08.10.2021 in C.A.No.7 of 2016 confirming the conviction and modifying the sentence by the judgment dated 09.12.2015 in C.C.No.3690 of 2014 on the file of the Learned III Metropolitan Magistrate, George Town, Chennai 600 015.

For Petitioner : Mr.S.Suresh

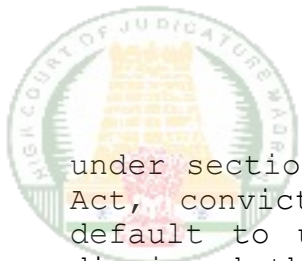
For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

(This Case has been heard through video conferencing)

This Criminal Miscellaneous Petition has been filed by the petitioner/accused, seeking suspension of sentence of imprisonment imposed on the petitioner by the learned IV Additional City Civil and Sessions Court, Chennai by order dated 08.10.2021 in C.A.No.7 of 2016 confirming the conviction and modifying the sentence by the judgment dated 09.12.2015 in C.C.No.3690 of 2014 on the file of the Learned III Metropolitan Magistrate, George Town, Chennai 600 015.

2. In and by the judgment of the trial court, the Petitioner was convicted and sentenced to undergo one year R.I. and to pay a fine of Rs.5000/- and in default to undergo one month S.I. for the offence



under section 304-A IPC and for the offence under section 184 of M.V. Act, convicted and sentenced to pay a fine of Rs.1000/- and in default to undergo two weeks S.I. On appeal, the Appellate Court dismissed the appeal, confirming the conviction and sentence passed by the trial court and modifying the sentence for the offence under section 304A IPC alone to six months R.I. and against which, the present revision has been filed.

3. Learned counsel for the petitioner would submit that according to the rough sketch, the incident had happened below the overbridge where there was a blind spot. The victim aged 80 years old lady had crossed the road where there was no pedestrian crossing. According to the learned counsel for the Petitioner/accused, there are arguable points available in the Criminal revision Case, which is not likely to be taken for final hearing in the near future and the Petitioner has got a fair chance of succeeding in the Criminal revision Case and hence, the sentence imposed against the Petitioner may be suspended and he may be enlarged on bail.

4. Heard the learned counsel for the petitioner and perused the materials on record.

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

- i. The petitioner/accused shall execute own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the Superintendent of the concerned prison/Jailor concerned, in which the petitioner has been confined and thereafter, on his release, the petitioner shall execute two sureties for a sum of **Rs.10,000/- (Rupees Ten Thousand only)**, each for a like sum to the satisfaction of the learned III Metropolitan Magistrate, George Town, Chennai, within 15 days from the date of commencement of the court's normal functioning, failing which the bail granted by this court shall stand dismissed automatically and on further condition that:
- 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. This Criminal Miscellaneous Petition is ordered accordingly.

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-sd/-
04/02/2022

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 IV ADDITIONAL CITY CIVIL
AND SESSIONS COURT, CHENNAI.

2 THE III METROPOLITAN MAGISTRATE,
GEORGE TOWN, CHENNAI 600 015.

3 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
H-1 WASHHERMANPET TRAFFICE INVESTIGATION WING,
CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE OFFICER INCHARGE
SUB JAIL, SAIDAPET.

Copy To:

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



+1 C.C. to M/S.S.SURESH Advocate on payment of necessary charges SR.NO.1985

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Order

in
CRL MP.1258/2022

in
CRL RC.131/2022

Date :04/02/2022

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TA-04/02/2022