



BAIL SLIP

The Petitioner/ Accused Lalbahadur male aged 49 years S/o.Durairaj was directed to be released on Bail vide order dated 14.05.2015 in MP 1 of 2015 in Cr1.R.C.No.345 of 2015 on file of this Court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Cr1.R.C.No.345 of 2015

Lalbahadur

... Petitioner/Accused

Versus

State by the Inspector of Police,
Velankanni Police Station,
Nagapattinam District.
(Crime No.58 of 2012)

... Respondent/Complainant

Prayer: Criminal Revision Petition filed under Section 397 and Section 401 of Criminal Procedure Code, against the judgment of the learned District and Sessions Judge, Nagapattinam, Nagapattinam District dated 3rd December 2014 and made in C.A.No.15 of 2014, confirming the conviction and sentence passed by the learned Chief Judicial Magistrate, Nagapattinam, Nagapattinam District by Judgment dated 10.03.2014 and made in C.C.No.54 of 2013, convicting the petitioner for an offence under Section 304(A) of IPC and sentencing him to undergo RI for two years and to pay fine of Rs.2,000/- in default to undergo 6 months.

For Petitioner : Mr.L.Mahendran

For Respondent : Mr.L.A.J.Selvam
Government Advocate
(Criminal Side)

ORDER

This Criminal Revision Case in Cr1.R.C.No.345 of 2015 is filed by the petitioner/accused, aggrieved by the judgment of



the learned Chief Judicial Magistrate, Nagapattinam, dated 10.03.2014 in C.C.No.54 of 2013, whereby, the petitioner was found guilty of an offence under Section 304-A of Indian Penal Code and imposing a sentence of two years Rigorous Imprisonment and fine of Rs.2,000/-, in default, six months imprisonment and the judgment of the learned District and Sessions Judge, Nagapattinam, dated 03.12.2014 in CrI.A.No.15 of 2014, thereby, dismissing the appeal and confirming the conviction and sentence imposed by the Trial Court.

2. When the Criminal Revision Case came up for hearing, Mr. L.Mahendran, the learned Counsel appearing for the petitioner would submit to this Court that this Court would consider the question of sentence alone in view of the manner of the accident i.e., the deceased, being the load man, who was loading vegetables, unfortunately, since, passed away by meeting with the accident by the bus driven by the petitioner/accused. He would submit that the petitioner/accused has, thereafter, shown remorse and is not involved in any of other offence whatsoever either prior to the occurrence or thereafter and has been leading a law abiding life. He has got two children. First son is a Doctor and the second son is an Engineer. Under these circumstances, there is no purpose which will be served by imposing a punishment of incarceration. He had already undergone two days of imprisonment, pending trial and was enlarged on bail. Under these circumstances, the learned Counsel would pray this Court to release the petitioner on probation in exercise of the powers under Section 360 of the Code of Criminal Procedure.

3. Considering the fact that the accident had taken place in the year 2012 i.e., ten years before, considering the fact that the accused is presently aged 59 years, considering the nature of the offence i.e., the accident said to have occurred, while the deceased load man was loading vegetables and other luggage over vehicles, considering the previous and subsequent conduct of the accused that he has not been involved in any other offence whatsoever, upon confirming the conviction of the offence under Section 304-A of Indian Penal Code, instead of handing over a sentence, I am inclined to release the petitioner on probation in exercises of the powers under Section 360 of Cr.P.C., on the following conditions:

(i) the petitioner shall appear before the learned Chief Judicial Magistrate, Nagapattinam and execute a bond for a sum of Rs.20,000/- undertaking to keep up good behaviour for a period of one year hereafter;

(ii) undertaking that he will not involve in any offence whatsoever, during such period and further undertaking that in default to comply with the terms of the bond, he will appear before this Court and take the sentence.



4. The Criminal Revision Case is disposed of accordingly.
Consequently, M.P.Nos.1 & 2 of 2015 are closed.

WEB COPY

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

grs

To

- 1.The District and Sessions Judge,
Nagapattinam, Nagapattinam District.
- 2.-do- through The Principal Sessions Judge,
Nagapattinam.
- 3.The Chief Judicial Magistrate,
Nagapattinam, Nagapattinam District.
- 4.The Inspector of Police,
Velankanni Police Station,
Nagapattinam,
Nagapattinam District.
- 5.The Public Prosecutor,
High Court, Madras.

Copy to:

The Section Officer,
Criminal Section,
High Court, Madras.

Cr1.R.C.No.345 of 2015

MT (CO)
CT (23/02/2022)