



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2022

CORAM :

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THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.7428 of 2022

in

Crl.R.C.No.721 of 2022

Mahendiran

... Petitioner/Revision Petitioner

Versus

The State rep by the Inspector of Police,
Ambalur PS, Vaniyambadi Taluk,
Vaniyambadi, Vellore @ Tirupattur.

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 397(1) of the Code of Criminal Procedure to suspend the sentence and conviction imposed against the revision petitioner by the learned IIIrd Addl. Sessions Judge, Tirupatture at Vellore @ Tirupattur in C.A.No.107 of 2019 on the 8th day of April, 2022 confirming the conviction and sentence order passed by the learned Judicial Magistrate, Vaniyambadi, at Vaniyambadi in STC.No.100/2016 on date 31.10.2019 and found the revision petitioner guilty for the offences under Section 279 and 304-A, of IPC in Cr.No.60 of 2016 and enlarge the revision petitioner on bail pending disposal of the above said order criminal Revision in Crl.R.C.No.721 of 2022 on the file of this Hon'ble Court.

For Petitioner : Mr. R.Dakshina Murthy

For Respondent : Mr.S.Vinoth Kumar
Govt. Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed against the revision petitioner by the learned IIIrd Addl. Sessions Judge, Tirupatture at Vellore @ Tirupattur in C.A.No.107 of 2019 on the 08.04.2022, confirming the conviction and sentence order passed by the learned Judicial Magistrate, Vaniyambadi, at Vaniyambadi in STC.No.100/2016 on date 31.10.2019.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent.



3. The learned counsel for the petitioner submitted that the reading of the evidence on record before the trial Court, it would be clear that the conviction of petitioner under Section 304A is totally unsustainable.

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4. Per Contra, the learned Government Advocate, Criminal Side, would submit that the prosecution has clearly proved the negligence of the petitioner.

5. Considering the nature of the allegations, grounds of appeal for the purpose of making out a prima facie case and sentence imposed on the petitioner, I am of the view that it is a fit case to suspend the sentence pending disposal of above revision petition and accordingly the petitioner shall enlarge on bail on the following conditions:-

(a) the petitioner is ordered to be released on bail, on his executing a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the Trial Court;

(b) the petitioner and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the learned Magistrate may obtain a copy of their Aadhar Cards or Bank Pass books to ensure their identities;

(c) the petitioner shall appear before the Trial Court on the first working day of every English Calendar Month at 10.30 A.M until the disposal of the Criminal Appeal and if she is not able to appear before the Trial Court on any day, she shall make arrangements to file an application under Section 317 of Cr.P.C., and shall appear before the Trial Court on any other day in lieu of the date of her absence, as directed by the Trial Court.

6. This Criminal Miscellaneous Petition is ordered accordingly.

-sd/-

21/06/2022

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 JUDICIAL MAGISTRATE,
VANIYAMBADI

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 III RD ADDITIONAL SESSIONS
JUDGE AT VELLORE, TIRUPATTUR

4 INSPECTOR OF POLICE,
AMBALUR POLICE STATION,
VANIYAMBADI TK, VANIYAMBADI,
VELLORE @ TIRUPATHUR.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+2 C.C. to M/S. R. DAKSHINA MURTHY Advocate on payment of
necessary charges SR.NO.9675

Order

in
CRL MP.7428/2022

in
CRL RC.721/2022

Date :21/06/2022

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RVR 21/06/2022