



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2022

CORAM

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THE HON'BLE MR. JUSTICE D. BHARATHA CHAKRAVARTHY

Crl.M.P. No. 7876 of 2022

in

Crl.R.C. No. 770 of 2022

Manoharan

.. Petitioner

Vs.

State of Tamil Nadu,
rep. by the Inspector of Police,
Melmaruvathur Police Station.

.. Respondent

Prayer: Criminal Miscellaneous Petition under Section 397 Cr.P.C.to suspend the sentence imposed on the petitioner vide judgment dated 29.01.2019 in C.C. No. 16 of 2015 on the file of Judicial Magistrate Court, Madurantakam, Kanchipuram District as confirmed by the Principal District and Sessions Court of Kanchipuram District at Chengalpattu vide judgment dated 05.04.2022 in Crl.A. No. 11 of 2019.

For Petitioner :: Mr.T.P. Prabakaran

For Respondent :: Mr.S. Vinoth Kumar

Govt. Advocate (Crl.Side)

ORDER

This criminal miscellaneous petition is filed to suspend the sentence imposed on the petitioner vide judgment dated 29.01.2019 in C.C. No. 16 of 2015 on the file of Judicial Magistrate Court, Madurantakam, Kanchipuram District as confirmed by the Principal District and Sessions Court of Kanchipuram District at Chengalpattu vide judgment dated 05.04.2022 in Crl.A. No. 11 of 2019.



2. Learned counsel for the petitioner submitted that the Trial Court erroneously convicted the petitioner on presumption when the prosecution has not proved the actual negligence of the petitioner.

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3. Per contra, learned Government Advocate (Crl.Side) would submit that this is a case where the Trial Court has rightly convicted the petitioner.

4. I have considered the rival submissions and perused the material records of the case.

5. On a perusal of the grounds raised in the revision for the purpose of prima facie case and considering the submission of the learned counsel for the petitioner and the period of sentence imposed, I am of the view that this is a fit case to grant suspension of sentence, pending revision.

6. Accordingly, the substantive sentence of imprisonment is suspended and the petitioner is enlarged on bail, pending revision 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 Revision and if he is not able to appear before the Trial Court on any day, he 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 his absence, as directed by the Trial Court.



7. The criminal miscellaneous petition is ordered accordingly.

-sd/-
23/06/2022

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This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
MADURANTAKAM, KANCHIPURAM DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE PRINCIPAL DISTRICT AND
SESSIONS COURT, KANCHEEPURAM

4 THE INSPECTOR OF POLICE,
MELMARUVATHUR POLICE STATION,
MELMARUVATHUR,
CHENGALPET DISTRICT

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S. T.P.PRABAKARAN Advocate on payment of necessary charges SR.NO.10113

Order
in
CRL MP.7876/2022
in
CRL RC.770/2022

Date :23/06/2022

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JPA 27/06/2022