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Crl.M.P.No.10717 of 2022 in Crl.A.No.820 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.10717 of 2022

in

Crl.A.No.820 of 2022

Munusamy,
S/o.Panchatcharam

... Petitioner

Versus

The State rep by the Inspector of Police,
Poonamallee Traffic Investigation Department,
Poonamallee, Chennai 600 056.
(Crime No.670/2015)

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) read with 439 of the Code of Criminal Procedure to suspend the sentence imposed on the petitioner by the Learned Additional District Sessions Judge (FTC), Kancheepuram at Kancheepuram District made in S.C.No.61 of 2017 dated 29.06.2022 convicting the appellant/accused herein for the offence (i) under Section 279 IPC and sentencing him to pay a fine of Rs.500/- in default to undergo one month S.I. (2) under Section 304(A) (3 counts) and sentencing him to undergo one year RI for each count and to pay a fine of Rs.1000/- for each count in default to undergo 6 months S.I., for each count and the total amount of fine is Rs.3,500/- and enlarge the petitioner on bail.



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For Petitioner : Mr.T.R.Ravi

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 Additional District Sessions Judge (FTC), Kancheepuram at Kancheepuram District made in S.C.No.61 of 2017 dated 29.06.2022 convicting the appellant/accused herein for the offences under Section 279 IPC and sentencing him to pay a fine of Rs.500/- in default to undergo one month simple imprisonment and under Section 304(A) (3 counts), sentencing him to undergo one year rigorous imprisonment for each count and also to pay a fine of Rs.1000/- for each count in default to undergo 6 months simple imprisonment, for each count and the total amount of fine is Rs.3,500/- and to enlarge the petitioner on bail.

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 IPC is totally unsustainable.

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 period of sentence, namely one year, being the maximum sentence and considering the fact that the trial Court itself has suspended the sentence and considering the nature of allegations in this case, I am of the view that this is the fit case for grant of suspension of sentence till the disposal of the above appeal. Accordingly, sentence is suspended and 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



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the learned Magistrate may obtain a copy of their Aadhar Cards or

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Bank Pass books to ensure their identities;

(c) the petitioner shall report before the respondent police

daily at 10.30 a.m., until further orders.

6. This Criminal Miscellaneous Petition is ordered accordingly.

28.07.2022

Index : yes/no

Speaking order/Non-speaking order

nsa

To

1. The Additional District Sessions Judge (FTC),
Kancheepuram, Kancheepuram District.

2. The Inspector of Police,
Poonamallee Traffic Investigation Department,
Poonamallee, Chennai 600 056.

3. The Public Prosecutor,
Madras High Court.



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D.BHARATHA CHAKRAVARTHY. J.,

nsa

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