



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Seventh day of January Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION No.14463 of 2021

IN CRL.R.C.No.1135 of 2021

BABY RAJAN

[PETITIONER]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ANUPPALAYAM POLICE STATION,
TIRUPPUR.
(CRIME NO.49/2019)

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) To Suspension of Sentence imposed on the petitioner by the Learned Principal Sessions Judge, Tiruppur in Crl.Appeal No.38/2021 dated 16.08.2021 confirm the Judgment of Conviction and sentence passed by the Learned Judicial Magistrate No.III, Tiruppur in CC.No.819/2019 dated 27.04.2021 in Crime No.49/2019 on the file of the Respondent police till the disposal of the main Crl.R.C.No.1135 of 2021.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S R.SUBBURAJ, Advocate for the petitioner, and of M/S.S.SUGENDRAN, Govt. Advocate (Crl. Side) on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition has been filed by the petitioner/accused, seeking suspension of sentence of imprisonment imposed by the order dated 27.04.2021 in CC.No.819 of 2019 passed by the Judicial Magistrate No. III, Tiruppur and confirmed by the judgment dated 16.08.2021 in Crl.A.No.38 of 2021 on the file of the Learned Principal Sessions Judge, Tiruppur.



2. In and by the judgment of the trial court, the Petitioner was convicted and sentenced to pay a fine of Rs.500/-, Rs.1000/- for the offences under Sections, 279, 338 and 304(A) of I.P.C respectively and in default to pay the fine amount of Rs.500/-, Rs.1,000/- for the offences under Section 279 and 338 of IPC in default to pay the fine amount to undergo Simple Imprisonment for one month and for the offence Under Section 304(A) of IPC and sentenced to undergo one year Simple Imprisonment and to pay a fine of Rs.1000/- in default to undergo further Simple Imprisonment for three months. The petitioner had filed appeal in CrI.A.No.38 of 2021 before the learned Learned Principal Sessions Judge, Tiruppur and the Appellate Court by judgment dated 16.08.2021, had dismissed the appeal and confirmed the conviction and sentence, against which, the present revision has been filed.

3. Learned counsel for the petitioner would submit that the victim was stated to have travelled as a pillion rider in the vehicle driven by PW5. However, as per PW8 investigating officer PW5 after the occurrence was taken to the Abhi S.K. Hospital, Gobichettipalyam. The earlier documents were suppressed by the prosecution. It is the specific case of the petitioner that PW5 had driven the vehicle under influence of alcohol and that is the reason for the respondent to suppress the documents from the hospital. 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 the Petitioner may be exempted from surrendering before the Trial Court.

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 shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate No. III, Tiruppur
- 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.

-sd/-

07/01/2022

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 PRINCIPAL SESSIONS
JUDGE, TIRUPPUR.

2 THE JUDICIAL MAGISTRATE,
NO.III, TIRUPPUR.

3 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
ANUPPAPALAYAM POLICE STATION,
TIRUPPUR.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

Copy To:

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

C.C. to M/S R.SUBBURAJ Advocate on payment of necessary charges

Order

in
CRL MP.14463/2021
in
CRL RC.1135/2021

Date :07/01/2022

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

TA-11/01/2022