



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.M.P.Nos.14358 & 14357 of 2021

in

Crl.R.C.No.1127 of 2021

Loganathan

... Petitioner

Vs.

State of Tamil Nadu,
Rep by Inspector of Police,
Uthukuli Police Station,
Uthukuli, Tiruppur District.
Crime No.96 of 2014.

...Respondent

PRAYER: The Criminal Revision Petition is filed under Section 397(1) & 482 of the Code of Criminal Procedure, to suspend the sentence imposed by the Principal Sessions Judge, Tiruppur in Crl.A.No.83 of 2019 dated 10.12.2021 and confirming the Judgment passed by the learned Judicial Magistrate, Avinashi in C.C.No.239 of 2014 dated 18.07.2019 pending disposal of the main revision and exempting the petitioner from surrendering.

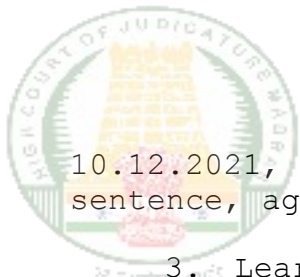
For Petitioner : Mr.C.Munusamy

For Respondent : Mr. S.Sugendran,
Government Advocate(Crl.Side)

O R D E R

These Criminal Miscellaneous Petitions have been filed by the petitioner/accused, seeking suspension of sentence imposed by the Principal Sessions Judge, Tiruppur in Crl.A.No.83 of 2019 dated 10.12.2021 and confirming the Judgment passed by the learned Judicial Magistrate, Avinashi in C.C.No.239 of 2014 dated 18.07.2019 pending disposal of the main revision and seeking to exempt the petitioner from surrendering.

2. In and by the judgment of the trial court, the Petitioner was convicted for the offences under Sections 279 and 304(A) and sentenced to under go Simple Imprisonment for six months each and the sentences are ordered to run concurrently. The petitioner had filed appeal in Crl.A.No.83 of 2019 before the learned Learned Principal Sessions Judge, Tiruppur and the Appellate Court by judgment dated



10.12.2021, 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 courts below failed to taking into consideration the unexpected delay in preferring the complaint. The occurrence said to have taken place on 26.03.2014 at 8.30 hrs and the complaint has been given on the next day on 27.03.2014 at 13.00 hrs. P.W.2 who was stated to have witnessed the occurrence, had stated that he did not remember the registration number of the car and not identified the witnessess. 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, exemption from surrendering 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, Avinashi.
- 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. These Criminal Miscellaneous Petitions are 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 JUDICIAL MAGISTRATE,
AVINASHI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR (FOR INFORMATION)

3 THE PRINCIPAL SESSIONS JUDGE,
TIRUPPUR

4 THE INSPECTOR OF POLICE,
UTHUKULI POLICE STATION,
TIRUPPUR DISTRICT

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

C.C. to M/S C.MUNUSAMY Advocate on payment of necessary charges
Sr.371

Order

in

Crl.M.P.Nos.14358 & 14357 of 2021

in Crl.R.C.No.1127 of 2021

Date :07/01/2022

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

RVR 11/01/2022