



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Twenty Seventh day of January Two Thousand and
Twenty Two
PRESENT

WEB COPY

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.1024 of 2022
IN
CRL RC(MD) No.59 of 2022

MUTHUMARI

... PETITIONER/PETITIONER

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ARUPPUKOTTAI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
IN CRIME NO.950/2010.

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed by the Additional District and Sessions Court, Virudhunagar in Crl.A.No.64/2016 on 08/10/2021 in confirming the conviction and sentence imposed by the Court of the Judicial Magistrate, Aruppukkottai in C.C.No.210/2011 on 23.04.2013 pending disposal of the Criminal Revision Petition.

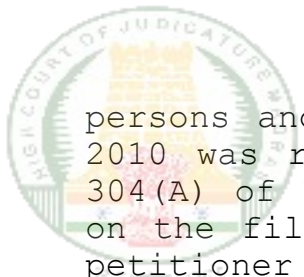
PRAYER IN CRL RC(MD) .59/2022:

To call for the records and set aside the conviction and sentence imposed by the Additional District and Sessions Court, Virudhunagar in Crl.A.No.64/2016 on 08/10/2021 in confirming the conviction and sentence imposed by the court of Judicial Magistrate, Aruppukkottai in C.C.No.210/2011 on 23.04.2013 and allow this Criminal Revision Petition.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.JOTHI BASU.M, Advocate for the petitioner and of M/s.M.AASHA, Government Advocate on behalf of the Respondent, While admitting the Criminal Appeal, the court made the following order:-

This petition has been filed to suspend the sentence imposed by the learned Additional District and Sessions Judge, Virudhunagar, in Crl.A.No.64 of 2016 dated 08.10.2021, till the disposal of the revision.

2.The allegation against the petitioner is that he drove the vehicle in a rash and negligent manner and caused injuries to two



persons and that two persons were died. A case in Crime No.950 of 2010 was registered against the petitioner under Sections 338 and 304(A) of IPC and the same was taken on file as C.C.No.210 of 2011 on the filed of the learned Judicial Magistrate, Aruppukottai. The petitioner was convicted under Sections 338(2 counts) and 304(A)(2 counts), He was sentenced to pay a fine of Rs.1,000/- (Rupees One Thousand only) for each count, in default, to undergo a period of three months simple imprisonment under Section 338 (2 counts) of IPC and he was sentenced to undergo two years rigorous imprisonment for each count and to pay a fine of Rs.500/- (Rupees Five Hundred only) for each count, in default to undergo a period of three months simple imprisonment for each count under Section 304(A)(2 counts) of IPC. Against the conviction and sentence, the petitioner has filed an appeal in Crl.A.No.64 of 2016 before the learned Additional District and Sessions Judge, Virudhunagar and the appeal was dismissed by the appellate Court. Against which, the petitioner has preferred a revision in Crl.R.C.(MD)No.59 of 2022. Along with the revision, the petitioner has filed the present petition for suspension of sentence pending disposal of the said revision.

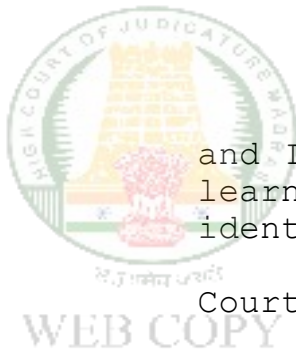
3.On the side of the petitioner, it is stated that the petitioner is working as the driver in Jayavilas Bus. In the accident, the bus dashed against the Indica car. Two person were injured and two persons were dead. The complaint was lodged by the Village Administrative Officer. P.W.2, driver of the car almost turned hostile. The owner of the bus was not examined as witness. The fine amount was already paid by the petitioner. The petitioner was enjoying bail throughout the trial and the appeal and prayed the sentence to be suspended till the disposal of the revision.

4.On the side of the prosecution, it is stated that only due to the rash and negligent driving of the petitioner, two persons got injured and two persons died. The prosecution has examined 8 witnesses and marked 15 documents and proved the case beyond all reasonable doubts and prayed the petition to be dismissed.

5.Considering the above facts and circumstances of the case and considering that there are some arguable points for consideration in the main revision and also considering the fact that the Criminal revision is not likely to be taken up for final hearing in the near future, this Court is of the view that the petitioner herein is entitled to the relief of suspension of sentence.

6.Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be released on bail on the following conditions:-

- (i)the petitioner is directed to execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Judicial Magistrate, Aruppukkottai.



(ii)The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of their valid identity card to ensure their identity.

(iii)The petitioner shall appear before the trial Court daily at 10.30 a.m., until further orders.

sd/-

27/01/2022

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31/01/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
VIRUDHUNAGAR.
- 2 THE JUDICIAL MAGISTRATE, ARUPPUKOTTAI.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 4 THE INSPECTOR OF POLICE
ARUPPUKOTTAI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.G.M.LAW OFFICE, SR.No.461

ORDER

IN

CRL MP(MD) No.1024 of 2022

IN

CRL RC(MD) No.59 of 2022

Date :27/01/2022

SA/JM/SAR.2/31.01.2022/3P/7C