



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

Tuesday, the First day of February Two Thousand and Twenty Two

PRESENT

The Hon`ble Mrs.Justice R.THARANI

Crl.M.P. (MD)No.1345 of 2022  
in  
Crl.R.C. (MD)No.77 of 2022

ELANGO VAN

... PETITIONER/ PETITIONER

Vs

THE STATE REP.BY,  
THE INSPECTOR OF POLICE  
THIRUCHULI POLICE STATION,  
VIRUDHUNAGAR DISTRICT.  
CRIME NO.363 OF 2011.

... 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.16 of 2016 on 17.11.2021 in confirming the conviction and sentence imposed by the Court of the Judicial Magistrate, Aruppukottai in CC.No.105 of 2012 on 3.3.2014.

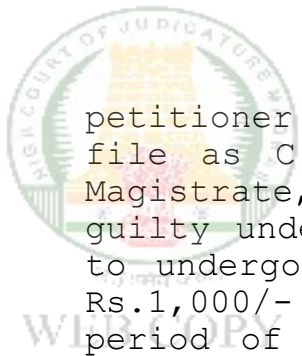
Prayer in CRL RC (MD). 77/ 2022 :

To call for records and to set aside the conviction and sentence imposed by the Additional District and Sessions Court, Virudhunagar in Crl.A.No.16 of 2016 on 17.11.2021 in confirming the conviction and sentence imposed by the Court of Judicial Magistrate, Aruppukottai.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.JOTHI BASU M, Advocate for the petitioner and of MR.R.M.ANBUNITHI, Additional Public Prosecutor on behalf of the Respondent While admitting the Crl.R.C., 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.16 of 2016 dated 17.11.2021, 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 death of one person in Crime No.363 of 2011 was registered against the



petitioner under Section 304 (A) of IPC and the same was taken on file as C.C.No.105 of 2012 on the file of the learned Judicial Magistrate, Aruppukottai. The learned Judge found the petitioner guilty under Section 304(A) of IPC and convicted and sentenced him to undergo six months rigorous imprisonment and to pay a fine of Rs.1,000/- (Rupees One Thousand only), in default to undergo a period of six months simple imprisonment under Section 304(A) of IPC. Against the conviction and sentence, the petitioner has filed an appeal in Crl.A.No.16 of 2016 before the learned Additional District and Sessions Judge, Virudhunagar and the same was dismissed by the appellate Court. Against which, the petitioner has preferred a revision before this Court in Crl.R.C.(MD)No.77 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 Transport Corporation. Except P.W.1 and P.W.3, no other witness supported the case of prosecution. P.W.2, who is alleged to have been an eye witness, has stated that he visited the spot only after the accident. There was heavy crowd. When the bus was taken in a reverse manner, the deceased fell down due to the crowd, which is beyond the control of the petitioner. There are much more points for consideration in the revision case and prayed the sentence to be suspended till the disposal of the revision.

4.On the side of the prosecution, it is stated that the case is of the year 2012. The trial Court has rightly convicted the petitioner on 03.03.2014. The appellate Court convicted the accused on 17.11.2021. The prosecution has examined 9 witnesses and marked 8 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 Case 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, Aruppukottai.

(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 for a period of 15 days at 10.30 a.m., and as and when required by the Court.

sd/-  
01/02/2022

/ TRUE COPY /

/ /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  
THIRUCHULI 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, Advocate SR.No.603.

ORDER  
IN  
Crl.M.P. (MD)No.1345 of 2022  
in  
Crl.R.C. (MD)No.77 of 2022  
Date :01/02/2022

MRN  
MK/PN/SAR.I/03.02.2022/3P/7C