



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

Wednesday, the Twenty Third day of March Two Thousand and
Twenty Two

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PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL MP(MD) No.1430 of 2022

AND

CRL A(MD)No.393 of 2021

SARAVANAN MUKESH @ SARAVANAN MAHESH
(NOW CONFINED AT CENTRAL PRISON,
PALAYAMKOTTAI)

... PETITIONER/APPELLANT/
SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
PULIYARAI POLICE STATION,
TENKASI DISTRICT.
CR.NO. 108 OF 2015.

... RESPONDENT/RESPONDENT/
COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the Execution of Sentence by granting bail in SC.No.261 of 2017 dated 03.09.2021 on the file of the Additional District and Sessions Judge(FTC), Tenkasi pending disposal of the above Criminal Appeal.

PRAYER IN CRL A(MD)No.393 of 2021:

To admit this appeal on file, to call for the records from the lower court in S.C.No.261 of 2017 on the file of the Additional District and Sessions Judge(FTC), Tenkasi and set aside the Judgment dated 03.09.2021 by acquitting the accused by allowing the appeal.

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.V.KATHIRVELU, Senior Advocate for M/S.PRABHU.K, Advocate for the petitioner and of M/s.M.AASHA, Government Advocate (crl.side) on behalf of the Respondent, the court made the following order:-

This petition has been filed to suspend the sentence imposed in S.C.No.261 of 2017 dated 03.09.2021 by the Additional District and Sessions Judge (FTC), Tenkasi.



2. On 08.08.2015, at about 6.40 pm, the petitioner drove a Omni Van in a rash and negligent manner, with the intention to murder P.W.1, who was riding a two wheeler, and caused grievous injuries and abused him in filthy language and also intimidated him. A case in Crime No.108 of 2015 was registered against the petitioner and the same was taken on file as S.C.No.261 of 2017 on the file of the Additional District and Sessions Court (FTC), Tenkasi.

3. After trial, the trial Court convicted and sentenced the petitioner to undergo rigorous imprisonment for a period of seven years and to pay a fine of Rs.2,000/- (Rupees Two Thousand only) in default, to undergo simple imprisonment for three months, for the offence under Section 307 IPC and further found him guilty, convicted and sentenced the petitioner to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.2000/- (Rupees Two Thousand only) in default, further to undergo simple imprisonment for three months under Section 3 of Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992. Against the conviction and sentence, the petitioner has preferred an appeal in Crl.A.(MD). No.393 of 2021. Along with the appeal, the petitioner has filed this petition for suspension of sentence.

4. On the side of the petitioner, it is stated that there is no motive behind the accident and prayed that the sentence is to be suspended.

5. This Court has carefully considered the submissions made by the petitioner and also perused the materials available on record.

6. On perusal of the records reveals that while P.W.1/victim was going in his two-wheeler, the petitioner intentionally hit the back side of the victim's vehicle, due to which, he fell down and sustained injuries. Thereafter, the petitioner threatened him in filthy language with dire consequences. There were eye-witnesses namely P.W.2 Lakshmi and Abdul Rahuman, who were running petty shops nearby the occurrence place. The said Lakshmi was examined as P.W.2 and the said Abdul Rahuman was not examined. However, P.W.2 turned hostile and except P.W.2, there is no witness. Hence, the petitioner herein is entitled to the relief of grant of suspension of sentence.

7. Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:-

(i) The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Sengottai.

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial



Book to ensure their identity; and

(iii) The petitioner shall appear before the respondent police daily at 10.30 a.m and 05.30 p.m., until further orders.

sd/-

23/03/2022

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23/03/2022

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

TO

- 1 THE ADDITIONAL DISTRICT & SESSIONS JUDGE (FTC),
TENKASI.
- 2 THE JUDICIAL MAGISTRATE
SENGOTTAI.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 4 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI.
- 5 THE INSPECTOR OF POLICE
PULIYARAI POLICE STATION,
TENKASI DISTRICT.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. C.C. to M/S.PRABHU.K Advocate SR.No.2400

ORDER

IN

CRL MP(MD) No.1430 of 2022

AND

CRL A(MD)No.393 of 2021

Date :23/03/2022

SA/PN/SAR.4/23.03.2022/3P/8C