



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

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

PRESENT

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

CRL MP(MD) No.3831 of 2022
in
Crl.R.C(MD)No.294 of 2022

AARONKUMAR

... PETITIONER/ PETITIONER

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
THIRUVAIYARU POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO.8/2014)

... RESPONDENT/ RESPONDENT

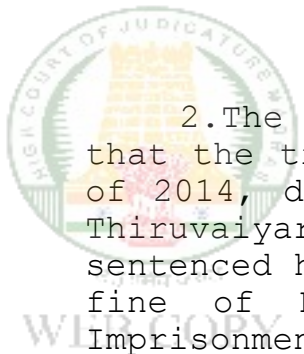
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to enlarge the petitioner on bail by suspending the sentence imposed in Crl.A.No.11/2021 before the I Additional District and Sessions Judge (PCR), Thanjavur dated 16.02.2022, confirming the judgment of conviction and sentence made in C.C.No.101 of 2014 by the Judicial Magistrate, Thiruvaiyaru dated 29.12.2020 till the disposal of CRL.RC.

PRAYER IN Crl.R.C(MD)No.294 of 2022:

To call for records and set aside the order dated 16.02.2022 passed by the I Additional District and Sessions Judge(PCR), Thanjavur in C.A.No.11 of 2021 confirming the Judgment dated 29.12.2020 passed by the Judicial Magistrate, Thiruvaiyaru in C.C.No.101 of 2014.

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.C.JEYA INDRA PATEL, Advocate for the petitioner and of M/s.M.AASHA, Government Advocate(Crl.side) on behalf of the Respondent, While admitting the CRL RC., the court made the following order:-

This petition has been filed to suspend the sentence passed in C.A.No.11 of 2021, dated 16.02.2021 on the file of the learned I Additional District and Sessions Judge (PCR), Thanjavur, confirming the conviction and sentence passed in C.C.No.101 of 2014, dated 29.12.2020 on the file learned Judicial Magistrate, Thiruvaiyaru, till the disposal of this Revision Petition.



2.The learned counsel appearing for the petitioner submitted that the trial Court convicted the petitioner/accused in C.C.No.101 of 2014, dated 29.12.2020 on the file learned Judicial Magistrate, Thiruvaiyaru, for the offence under Section 304A of I.P.C and sentenced him to undergo one year Rigorous Imprisonment and to pay a fine of Rs.10,000/- in default to undergo one month Simple Imprisonment. Challenging the above said conviction and sentence, the petitioner has preferred an appeal in C.A.No.11 of 2021 on the file of the learned I Additional District and Sessions Judge (PCR), Thanjavur. The Appellate Court confirmed the conviction and sentence and dismissed the appeal. Being dissatisfied with the said conviction and sentence, the petitioner has preferred the present Criminal Revision Case along with the instant Miscellaneous Petition seeking suspension of sentence and bail.

3. The learned counsel appearing for the petitioner submitted that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

4. The learned counsel appearing for the respondent submitted that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence.

5. This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

6. The learned counsel appearing for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal revision and further the criminal revision is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that 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 sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruvaiyaru.

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their



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

sd/-
30/03/2022

/ TRUE COPY /

WEB COPY

31/03/2022

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

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1 THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE (PCR),
THANJAVUR

2 THE JUDICIAL MAGISTRATE, THIRUVAIYARU.

3 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

4 THE INSPECTOR OF POLICE
THIRUVAIYARU POLICE STATION,
THANJAVUR DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.JEYA INDRA PATEL, Advocate (SR-2743[I] dated 31/03/2022)

ORDER
IN
CRL MP(MD) No.3831 of 2022
in CrI.R.C(MD)No.294 of 2022
Date :30/03/2022

ps
MS/PN/SAR-2/31.03.2022/3P.7C