



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

Thursday, the Nineteenth day of May Two Thousand and Twenty Two  
PRESENT

**The Hon`ble Mrs.Justice T.V.THAMILSELVI**

CRL MP(MD) No.5629 of 2022  
IN  
CRL RC(MD)No.427 of 2022

B.SIMON

... PETITIONER/PETITIONER

**Vs**

THE STATE REP.BY  
THE SUB INSPECTOR OF POLICE  
TRAFFIC WING POLICE STATION,  
TIRUNELVELI TOWN.  
(CR.NO.228/2014)

... RESPONDENT/RESPONDENT

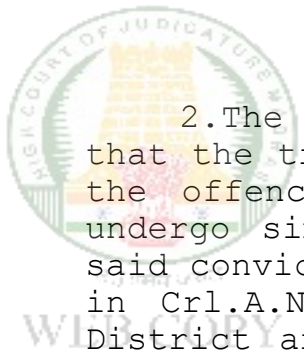
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the conviction and sentence imposed upon the petitioner vide judgment dated 05.04.2022 made in Crl.A.63/2018 on the file of the I Additional District Sessions Judge, Tirunelveli whereby confirmed the judgment of conviction dated 01.06.2018 made in C.C.No.29 of 2016, on the file of the Chief Judicial Magistrate, Tirunelveli pending disposal of the Criminal Revision Case in the interest of justice.

**PRAYER IN CRL.RC. (MD)No.427/2022:**

Pleased to call for the records and set aside the judgment dated 05.04.2022 made in Criminal Appeal No.63 of 2018, on the file of the I Additional District Sessions Judge, Tirunelveli whereby confirmed the judgement of conviction dated 01.06.2018 made in C.C.No.29 of 2016, on the file of the Chief Judicial Magistrate, Tirunelveli.

**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.SENTHIL MURUGAN C, Advocate for the petitioner and of M/s.M.AASHA, Government Advocate 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 Crl.A.No.63 of 2018, dated 05.04.2022, on the file of the learned I-Additional District and Sessions Judge, Tirunelveli, confirming the order of conviction passed in C.C.No.29 of 2016, dated 01.06.2018 on the file of the learned Chief Judicial Magistrate , Tirunelveli.



2.The learned counsel appearing for the petitioner submitted that the trial Court convicted the accused in C.C.No.29 of 2016 for the offence under Section 304(A) of I.P.C and sentenced him to undergo simple imprisonment for one year. Challenging the above said conviction and sentence, the petitioner has preferred an appeal in Crl.A.No.63 of 2018 on the file of the learned I-Additional District and Sessions Judge, Tirunelveli. The learned I-Additional District and Sessions Judge, Tirunelveli, 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. Heard Ms.M.Aasha, learned Government Advocate (Criminal Side) for the respondent.

5. This Court do not propose to dwell deep into the evidence at this stage, as the same would affect the disposal of the appeal. On an over-all analysis of the evidence, I am of the considered opinion that the petitioner is entitled for the relief of suspension of sentence.

6. Accordingly, the Criminal Miscellaneous Petition is allowed and the substantive sentence of imprisonment imposed on the petitioner is suspended, subject to the following conditions:

i. The petitioner is directed to be enlarged on bail on executing a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Chief Judicial Magistrate, Tirunelveli.

ii. The petitioner shall appear before the learned Chief Judicial Magistrate, Tirunelveli once in a month on the first working day of the every English Calendar month at 10.30 a.m., till the disposal of the Criminal Appeal.

sd/-

19/05/2022

/ TRUE COPY /

20/05/2022

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



**TO**

1 THE I ADDITIONAL DISTRICT SESSIONS JUDGE, TIRUNELVELI.

2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.

3 THE SUB INSPECTOR OF POLICE  
TRAFFIC WING POLICE STATION,  
TIRUNELVELI TOWN.

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

+1. C.C. to M/S. SENTHIL MURUGAN.C Advocate SR.No.4889

**ORDER**

**IN**

CRL MP(MD) No.5629 of 2022  
IN

CRL RC(MD)No.427 of 2022

Date :19/05/2022

SA/SVR/SAR.2/20.05.2022/3P/6C