



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

Tuesday, the Eighth day of November Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.8507 of 2022

IN

CRL RC(MD) No.688 of 2022

BALASUBRAMANIAN

... PETITIONER/APELLANT

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
TALUK POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.496 OF 2006.

... RESPONDENT/RESPONDENT

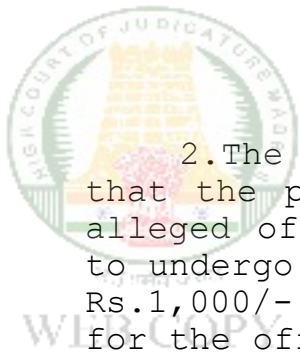
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the sentence imposed passed by the Learned II-Additional District and Sessions Judge, Thanjavur in Crl.A.No.57 of 2021 dt.20.4.2022 confirming the judgment of conviction and sentence passed by the Learned Judicial Magistrate-II, Thanjavur in CC.No.49 of 2017 dated 19.08.2021 and release the petitioner on bail pending disposal of the above criminal revision petition.

Prayer in CRL RC(MD) . 688/ 2022 :

To call for the records pertaining to the concurrent judgments of conviction and sentence passed by the Learned II-Additional District and Sessions Judge, Thanjavur in Crl.A.No.57 of 2021 dt.20.4.2022 confirming the Judgment Magistrate No-II, Thanjavur in C.C.No.49/2017 dated 19.08.2021 and set aside the same.

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.KARUPPASAMY PANDIYAN G, Advocate for the petitioner and of Mr.SS.MADHAVAN, Government Advocate(crl.side) on behalf of the Respondent, While admitting the CRL.RC., the court made the following order:-

This petition is filed to suspend the sentence and conviction passed in C.C.No.49 of 2017, dated 19.08.2021 on the file of the Judicial Magistrate No.II, Thanjavur and the same was confirmed in Crl.A.No.57 of 2021, dated 20.04.2022 on the file of the learned II Additional District and Sessions Judge, Thanjavur, pending disposal of the Criminal Revision.



2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court for the alleged offence under Section 279 IPC and the petitioner sentenced to undergo simple imprisonment of three months and to pay a fine of Rs.1,000/- in default to undergo one month of simple imprisonment, for the offence under Section 337 IPC (5 counts) and the petitioner sentenced to undergo 3 months of simple imprisonment(each) and to pay a fine of Rs.500/- (each) and for the offence under Section 304 (A) of IPC and the petitioner sentenced to undergo 1 year of simple imprisonment and to pay a fine of Rs.1,000/- in default to undergo one month of simple imprisonment in C.C.No.49 of 2017 on the file of the learned Judicial Magistrate No.II, Thanjavur, and the same was confirmed by learned II Additional District and Sessions Judge, Thanjavur, in Crl.A.No.57 of 2021, dated 20.04.2022.

3. The learned counsel for the petitioner submitted that the accused has not been identified by any of the witnesses, who appeared in the box and none of them stated that the petitioner had driven the vehicle in a rash and negligent manner.

4. In view of the above submission made by the learned counsel for the petitioner, this Court is inclined to suspend the sentence imposed upon the petitioner.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail, on condition that 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 No.II, Thanjavur, and on further condition that the petitioner shall appear before the said Court at 10.30 a.m. on the first working day of every English Calendar month, pending disposal of the revision.

sd/-

08/11/2022

/ TRUE COPY /

15/11/2022

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

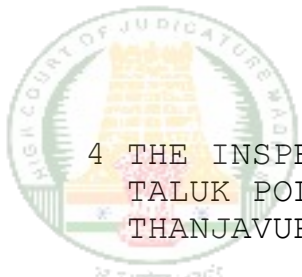
TO

1 THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THANJAVUR.

2 THE JUDICIAL MAGISTRATE NO.II,
THANJAVUR.

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

<https://www.mhccourt.org/>



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

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

+1. C.C. to M/S.KARUPPASAMY PANDIYAN G Advocate SR.No.12607

ORDER

IN

CRL MP (MD) No.8507 of 2022
IN

CRL RC (MD) No.688 of 2022

Date :08/11/2022

tta

SA/VR/SAR.4/15.11.2022/3P/7C