



WEB COPY

CRL MP(MD)



22

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

Tuesday, the Thirtieth day of August Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.8780 of 2022

IN

CRL RC(MD) No.717 of 2022

MAHARAJAN

... PETITIONER/PETITIONER

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ALWARKURICHI POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.48/2014).

... 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 sentence imposed by the court of III Additional District and Sessions Court, Tirunelveli in Crl.A.No.43/2020 on 14/06/2022 in confirming the conviction and sentence imposed by Judicial Magistrate Court, Ambasamudram in CC No.259/2015 on 02/09/2020 pending disposal of the Criminal Revision Petition.

Prayer in CRL RC(MD) . 717/ 2022 :

To call for the records and set aside the order passed by the III Additional District and Sessions Court, Tirunelveli in Crl.A.No.43/2020 on 14/06/2022 in confirming the conviction and sentence imposed by the Judicial Magistrate Court, Ambasamudram in CC No.259/2015 on 02/09/2020 and allow this Criminal Revision Petition.

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.SARAVANAKUMAR, Advocate for the petitioner and of MR.S.MANIKANDAN, Government Advocate (Crl.Side) on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by the learned Judicial Magistrate, Ambasamudram, in C.C.No.259 of 2015, dated 02.09.2020, which was confirmed by the learned III Additional District and Sessions Judge, Tirunelveli, in C.A.No.43 of 2020, dated 14.06.2022, till the disposal of this Criminal Revision.

2.The case of the prosecution is that on 17.03.2014 at about 05.15 p.m., a Government bus bearing Registration No.TN-57N-1237 was driven by its driver with rash and negligent manner and dashed against the deceased Lakshmi. Due to the said accident, she died on



the spot and on that basis, FIR came to be registered in Cr. No. 18 of 2014.

3.The respondent police, after completing the investigation, has filed the final report and the case was taken on file in C.C.No.259 of 2015 on the file of the learned Judicial Magistrate, Ambasamudram, Tirunelveli District.

4.The learned counsel for the petitioner would submit that the petitioner has been convicted by the trial Court for the alleged offence under Section 279 IPC and imposed fine of Rs.500/-, in default, to undergo 15 days Simple Imprisonment and for an offence under Section 337 IPC, and imposed fine of Rs.500/-, in default, to undergo 15 days Simple Imprisonment and for an offence under Section 304(A) IPC, sentenced to undergo 6 months Simple Imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo one month Simple Imprisonment.

5.Challenging the above said conviction and sentence, the petitioner has filed an appeal in C.A.No.43 of 2020 on the file of the learned III Additional District and Sessions Judge, Tirunelveli. The learned III Additional District and Sessions Judge, Tirunelveli, confirmed the conviction and sentence and dismissed the appeal. Being dissatisfied with the dismissal of the appeal, the petitioner has preferred the present Criminal Revision Case along with the present miscellaneous petition seeking suspension of sentence.

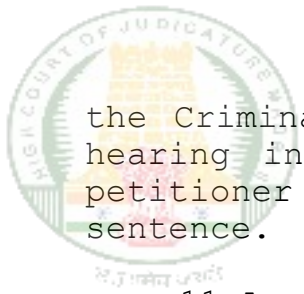
6.Admittedly, after filing the suspension of sentence petition, the petitioner surrendered before the trial Court on 08.08.2022 and is in custody till now.

7.The learned counsel for the petitioner would submit that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses. He would further submit that the petitioner has already paid fine amount.

8.The learned Government Advocate (Criminal Side) appearing for the respondent would submit that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence.

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

10.The learned counsel for the petitioner has raised substantial points in the memorandum of revision, which require a detailed consideration by this Court. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner and considering the fact that



the Criminal Revision Case is not likely to be taken up for hearing in the near future, this Court is of the view that the petitioner herein is entitled to the relief of suspension of sentence.

11. 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.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Ambasamudram, Tirunelveli District;

(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 identity; and

(iii) The petitioner shall appear before the trial Court on all working days at 10.30 a.m., until further orders and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 of Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

sd/-

30/08/2022

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01/09/2022

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

TO

- 1 THE III ADDITIONAL DISTRICT AND SESSIONS JUDGE,
TIRUNELVELI DISTRICT.
- 2 THE JUDICIAL MAGISTRATE, AMBASAMUDRAM, TIRUNELVELI DISTRICT.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 4 THE INSPECTOR OF POLICE, ALWARKURICHI POLICE STATION,
TIRUNELVELI DISTRICT.
- 5 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.SARAVANAKUMAR, Advocate (SR-9330[I] dated 30/08/2022)

ORDER IN

CRL MP(MD) No.8780 of 2022
IN CRL RC(MD) No.717 of 2022
Date :30/08/2022

ksa

RS/PN/SAR.2 (01.09.2022) 3P-8C

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