



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Monday, the Nineteenth day of September Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL.M.P. (MD) No.10230 of 2022

in

CrI.R.C(MD) .No.823 of 2022

D.RAJENDRAN

... PETITIONER / PETITIONER

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
USILAMPATTI TALUK POLICE STATION,
MADURAI DISTRICT.
CRIME NO.2 OF 2013.

... RESPONDENT / RESPONDENT

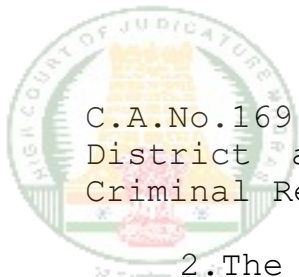
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the sentence imposed by the Learned V Additional District and Sessions Judge, Madurai in CA.No.169 of 2017 dated 17.12.2021 confirming the conviction and sentence passed in CC.No.51 of 2013 dated 6.11.2017 passed by the learned Judicial Magistrate-I, Usilampatti pending disposal of the Criminal Revision Petition.

Prayer in CRL RC(MD) . 823/ 2022 :

To call for the records relating to the impugned judgment dated 17.12.2021 passed by the Learned V Additional District and Sessions Court, Madurai in CA.No.169 of 2017 confirming the conviction and sentence passed by the Learned Judicial Magistrate-I, Usilampatti in CC.No.51 of 2013 dated 06.01.2017 and set aside the same by allowing the 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.SELVAM J, Advocate for the petitioner and of MR.SS.MADHAVAN, Government Advocate (CrI. Side) on behalf of the Respondent, While admitting the CrI.RC., the court made the following order:-

This petition is filed to suspend the sentence passed in C.C.No.51 of 2013, dated 06.11.2017 on the file of the Judicial Magistrate-I, Usilampatti and the same was confirmed in



C.A.No.169 of 2017, dated 17.12.2021 on the file of the V A al District and Sessions Court, Madurai, 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 304 (A) of IPC, and sentenced him to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.3,000/-, in default to undergo simple imprisonment for a period of one month in C.C.No.51 of 2013 on the file of the Judicial Magistrate No.I, Usilampatti and the same was confirmed by V Additional District and Sessions Court, Madurai in C.A.No.169 of 2017, dated 17.12.2021.

3.The learned counsel appearing for the petitioner further submitted that none of the witnesses has been examined by the trial Court about the specific overt act of rash and negligent manner on the part of the petitioner. No witness stated that at the time of accident the petitioner was driving the vehicle. According to him, there was misreading of the evidence by the trial Court as well as the appellate Court.

4.Mr.S.Manikandan, learned Additional Public Prosecutor appearing for State Government (Crl.side) 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.Accordingly, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision and the petitioner is directed to be enlarged on bail on his executing 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 Judicial Magistrate Court No.1, Usilampatti, and on further condition that the petitioner shall appear before the concerned Court once in a week i.e., on the first working day of every week at 10.30 a.m. pending revision.

sd/-

19/09/2022

/ TRUE COPY /

22/09/2022

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



TO

1 THE V ADDITIONAL DISTRICT AND SESSIONS JUDGE,
MADURAI.

2 THE JUDICIAL MAGISTRATE NO.I
USILAMPATTI.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.

4 THE INSPECTOR OF POLICE
USILAMPATTI TALUK POLICE STATION,
MADURAI DISTRICT.

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

+1. C.C. to M/S.SELVAM J Advocate SR.No.10177.

ORDER

IN

CRL.M.P. (MD) No.10230 of 2022
in

Cr1.R.C (MD) .No.823 of 2022

Date :19/09/2022

MK/SBN/SAR.IV/22.09.2022/3P/7C