



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.ILANGOVAN

WEB COPY

CRL MP(MD) No.11605 of 2022

IN

CRL RC(MD) No.942 of 2022

SANTHANASRINIVASAN

... PETITIONER/PETITIONER

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
TRAFFIC INVESTIGATION WING POLICE STATION,
TIRUNELVELI.
CRIME NO.416 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 and conviction passed in the judgment dt.15.6.2022 in Ca.No.54 of 2018 on the file of the I-Addl.Dist and Sess.Judge,Tirunelveli confirming the sentence imposed by the trial Court in CC.No.49 of 2007 dt.25.04.2018 on the file of the Judicial Magistrate No.5, Tirunelveli pending disposal of the criminal revision.

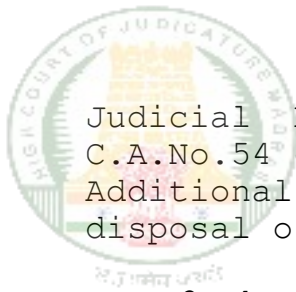
Prayer in CRL RC(MD) . 942/ 2022 :

Pleased to call for records and allow the Revision and set aside the judgment dated.15.06.2022 in CA.No.54 of 2018 on the file of 1st Additional District and Sessions Judge, Tirunelveli confirming the sentence imposed by the trial court in CC.No.49 of 2007 dt.25.4.2018 on the file of the Judicial Magistrate No.5, Tirunelveli convicting me to pay a fine of Rs.500/- in default to undergo 1 month Simple Imprisonment for the offence under Section 337 of I.P.C. And to pay a fine of Rs.1000/- in default to undergo 2 month Simple Imprisonment for the offence under section 338 of I.P.C. and to undergo 2 years Simple Imprisonment and to pay a fine of Rs.5000/- in default to undergo 3 month Simple Imprisonment for the offence under section 304(A) of IPC.

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.SELVAN T, Advocate for the petitioner and of Mr.S.MANIKANDAN, 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 2007, dated 25.04.2018 on the file of the

<https://www.mhc.tn.gov.in/judis>



Judicial Magistrate No.5, Tirunelveli and the same was confirmed in C.A.No.54 of 2018, dated 15.06.2022 on the file of the learned First Additional District and Sessions Judge, Tirunelveli, 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 337 IPC and the petitioner was imposed to pay a fine of Rs.500/- in default to undergo one month simple imprisonment, for the offence under Section 338 of IPC and the petitioner was imposed to pay a fine of Rs.1,000/- in default to undergo 2 months simple imprisonment and for the offence under Section 304(A) of IPC and the petitioner sentenced to undergo 2 years of simple imprisonment and to pay a fine of Rs.5,000/- in default to undergo 3 months of simple imprisonment in C.C.No.49 of 2007 on the file of the learned Judicial Magistrate No.5, Tirunelveli, and the same was confirmed by learned First Additional District and Sessions Judge, Tirunelveli, in C.A.No.54 of 2018, dated 15.06.2022.

3. He would further submit that this Revision has been filed on the ground that there is misreading of evidence by the trial Court as well as by the Appellate Court and also submitted that there is a contradiction in the evidence of P.W.1 and P.W.4. P.W.5, who is the friend of the revision petitioner herein, has supported him.

4.Whatever it may be, according to the revision petitioner that the evidence of P.W.1 and P.W.4, contrarily stated about the rash and negligent driving of the revision petitioner.

5. 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.

6.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.5, Tirunelveli, 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 /

/11/2022

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



TO

1 THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE,
TIRUNELVELI

2 THE JUDICIAL MAGISTRATE NO.5,
TIRUNELVELI

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

4 THE INSPECTOR OF POLICE
TRAFFIC INVESTIGATION WING POLICE STATION,
TIRUNELVELI.

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

ORDER IN

CRL MP(MD) No.11605 of 2022
IN

CRL RC(MD) No.942 of 2022

Date :08/11/2022

tta

SA/VR/SAR.4/18.11.2022/3P/6C