



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

Friday, the Eleventh day of November Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.12751 of 2022
in
CRL RC(MD) No.1015 of 2022

RAVICHANDRAN

... PETITIONER/PETITIONER

Vs

State Rep.by
THE INSPECTOR OF POLICE
VACHAKARAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.86/2014)

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to pass an order of Suspension of sentence and conviction imposed the petitioner and sentenced to undergo simple imprisonment for a period of six months for Section 279 of IPC, Simple imprisonment for a period of six months for 338 of IPC, Simple imprisonment for three months for 201 r/w 134, r/w 187 MV Act and one year simple imprisonment for 304(A) of IPC passed in judgment in C.C.No.214 of 2014 dated 17.05.2018 by the Learned Judicial Magistrate **(*)No.I**, Virudhunagar, and the same is confirmed by the judgment of the Learned Additional District & Sessions Judge, Virudhunagar in Criminal Appeal No.20 of 2018 dated 21.06.2022 till the disposal of the above criminal revision petition pending disposal of the main revision petition.

Prayer in CRL RC(MD) . 1015/ 2022 :

To call for the records pertaining the judgement and sentence made in CC No.214/2014 dt.17/05/2018 by the Learned Judicial Magisterial **(*)No.I**, Virudhunagar, convicting the petitioner herein under section 279, 338, 304(A), 201 of Indian Penal Code and r/w 187 of Motor Vehicles Act and sentenced the petitioner to undergo simple imprisonment for a period of six months for sec 279 of IPC, simple imprisonment for a period fo six months for 338 of IPC, simple imprisonment for a period of three months for 201 r/w 134, r/w 187 of MV Act and one year simple imprisonment for 304(A) of IPC and the same is confirmed by the judgment of the Learned Additional District & Sessions Judge, Virudhunagar in Criminal Appeal No.20 of 2018 dated 21.06.2022 and set aside the same.

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



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 AMALAN S MP, 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 imposed by the Court of the learned Additional District and Sessions Judge, Virudhunagar District, in Crl.A.No.20 of 2018, dated 21.06.2022, in confirming the conviction and sentence imposed by the learned Judicial Magistrate **(*)No.I,,** Virudhunagar, in C.C.No.214 of 2014, dated 17.05.2018, 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 sentenced him to undergo simple imprisonment for a period of six months and for section 338 IPC and sentenced him to undergo simple imprisonment for a period of six months and for 201 r/w 134 r/w 187 of MV Act and sentenced him to undergo simple imprisonment for a period of three months and also for 304(A) of IPC and sentenced him to undergo simple imprisonment for a period of one year. The sentences were ordered to run concurrently. The appellate Court has confirmed the conviction and sentence imposed by the trial Court.

3.The learned counsel appearing for the petitioner submitted that there was some sort of mechanical defect in the above said offending vehicle, that was not considered by the trial Court as well as the appellate Court. He also pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars.

4.Mr.S.S.Madhavan, learned Government Advocate 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 **(*)No.I,** Virudhunagar 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/-

11/11/2022

(*) Amended as per order of this Court dated 06/01/2023 in Crl.MP (MD).141/2023 in Crl.RC(MD). 1015/2022

/ TRUE COPY /

31/01/2023

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

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

TO BE SUBSTITUE WITH THE ORDER DATED 11/11/2022 ALREADY DESPATCHED

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE, VIRUDHUNAGAR DISTRICT.

2 THE JUDICIAL MAGISTRATE NO.I, VIRUDHUNAGAR.

3 THE JUDICIAL MAGISTRATE NO.II, VIRUDHUNAGAR.

4 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

5 THE INSPECTOR OF POLICE, VACHAKARAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.S MP.AMALAN, Advocate (SR-340[I], dated 06/01/2023)

ORDER

IN

CRL MP(MD) No.12751 of 2022
in

CRL RC(MD) No.1015 of 2022
Date :11/11/2022

TM

RS/VR/SAR.(17.11.2022) 3P-8C

TM

SA/SSS/SAR.2/31.01.2023/3P/8C