



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Friday, the Eighteenth day of November Two Thousand and Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.14110 of 2022

IN

CRL RC(MD) No.1113 of 2022

GNANADOSS

... PETITIONER/PETITIONER

Vs

THE STATE REP BY,
THE INSPECTOR OF POLICE
BOOTHAPANDY POLICE STATION,
KANNYAKUMARI DISTRICT.
CRIME NO.275/2005.

... RESPONDENT/RESPONDENT

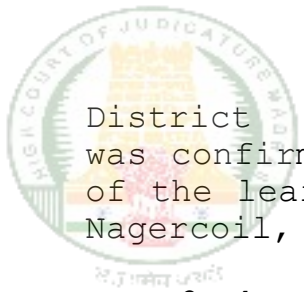
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the sentence judgment passed by Additional District and Session Judge (Fast Track) Nagercoil in Crl A 159/2017 dated.23.09.2022 by confirming the judgment passed by District Munsif Cum Judicial Magistrate, Boothapandy in CC No.41/2005 dated 06.10.2007 till the disposal of revision petition.

Prayer in CRL RC(MD) No. 1113/ 2022 :

To call for records relating to the judgment passed by Additional District and Session Judge (Fast Track) Nagercoil in Crl A No.159/2017 dated.23.09.2022 by confirming the judgment passed by District Munsif Cum Judicial Magistrate, Boothapandy in C.C.No.41 of 2005 dated 06.10.2007 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 MR.NARAYANAKUMAR K P, Advocate for the petitioner and of MR.SS.MADHAVAN, Government Advocate (Criminal Side) on behalf of the Respondent, while admitting the Criminal Revision Case, the court made the following order:-

This petition is filed to suspend the sentence and conviction passed in C.C.No.41 of 2005, dated 06.10.2007 on the file of the



District Munsif Cum Judicial Magistrate, Boothapandy and the same was confirmed in CrI.A.No.159 of 2017, dated 23.09.2022 on the file of the learned Additional District and Sessions Judge(Fast Track), Nagercoil, 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) and the petitioner sentenced to undergo rigorous imprisonment of one year, for the alleged offence under Section 279 IPC and the petitioner sentenced to undergo simple imprisonment of three months, for the offence under Section 337(44 counts) and the petitioner sentenced to undergo simple imprisonment of three months and for the alleged offence under Section 338 of IPC and the petitioner sentenced to undergo rigorous imprisonment of 6 months, in C.C.No.41 of 2005 on the file of the learned District Munsif Cum Judicial Magistrate, Boothapandy and the same was confirmed by learned Additional District and Sessions Judge(Fast Track), Nagercoil, in CrI.A.No.159 of 2017, dated 23.09.2022.

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 District Munsif Cum Judicial Magistrate, Boothapandy, 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/-
18/11/2022

/ TRUE COPY /

/11/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE, (FAST TRACK), NAGERCOIL.

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



2 THE DISTRICT MUSIF CUM
JUDICIAL MAGISTRATE, BOOTHAPANDY.

3 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

4 THE INSPECTOR OF POLICE
BOOTHAPANDY POLICE STATION,
KANNYAKUMARI DISTRICT.

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

COPY TO

THE SECTION OFFICER
CRIMINAL RECORDS,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.K.P.NARAYANAKUMAR, Advocate (SR-13195[I] dated 17/11/2022

ORDER
IN
CRL MP (MD) No.14110 of 2022
IN
CRL RC (MD) No.1113 of 2022
Date :18/11/2022

TTA
PKP/VR/SAR /24.11.2022/3P/8C