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CRL MP(MD) N



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

Tuesday, the Twenty Second day of November Two Thousand and Twenty
Two

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL MP(MD) No.14361 of 2022

IN

CRL RC(MD) No.1144 of 2022

MURALIDHARAN

... PETITIONER/PETITIONER
/APPELLANT/SOLE ACCUSED

Vs

State Rep.by
THE INSPECTOR OF POLICE
VAIYAMPATTI POLICE STATION,
TRICHY DISTRICT.
CR.NO.20/2015

... 1ST RESPONDENT/1ST RESPONDENT
/1ST RESPONDENT/COMPLAINANT

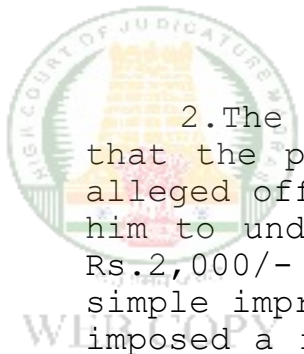
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the Sentence passed by the III Additional District and Sessions Judge, Tiruchirappalli in C.A.No.80/2018 dt 13.09.2022 confirming the order passed by the Judicial Magistrate, Manapparai in C.C.No.35/2015 dt 18.06.2018 and pending disposal of the above Criminal Revision Petition.

Prayer in CRL RC(MD).1144/2022 :

To suspend the sentence passed by the III Additional District and Sessions Judge, Tiruchirappalli in C.A.No.80 of 2018 Dated 13.09.2022 confirming the order passed by the Judicial Magistrate, Manapparai in C.C.No.35 of 2015 dated 18.06.2018 and pending disposal of the above 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.RAMSUNDARVIJAYRAJ.S, 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 III Additional District and Sessions Judge, Tiruchirappalli, in Crl.A.No.80 of 2018, dated 13.09.2022, in confirming the conviction and sentence imposed by the learned Judicial Magistrate, Manapparai, in C.C.No.35 of 2015, dated 18.06.2018, pending disposal of the Criminal Revision.



2.The learned counsel appearing for the petitioner stated that the petitioner has been convicted by the trial Court for the alleged offence under Section 304(A) of IPC (2 counts) and sentenced him to undergo one year simple imprisonment and imposed a fine of Rs.2,000/- for each count in default sentenced to undergo one month simple imprisonment and for the offence under Section 338 of IPC and imposed a fine of Rs.500/- in default sentenced to undergo one week simple imprisonment, in C.C.No.35 of 2015 by the learned Judicial Magistrate, Manapparai. The sentences were ordered to run concurrently. The III learned Additional District and Sessions Judge, Tiruchirappalli, confirmed the conviction and sentence imposed by the trial Court and dismissed the appeal.

3.The learned counsel appearing for the petitioner submitted that even though three vehicles have been involved in the said occurrence, the petitioner has alone been charge sheeted and during the course of investigation the involvement of the other two vehicles have been came to the light. But there is no explanation on the side of the prosecution before the trial Court. The above said fact was not considered by the trial Court as well as 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 Court, Manapparai, 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.

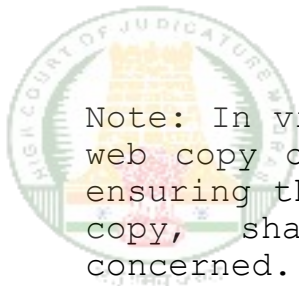
sd/-

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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.

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- TO
- 1 THE III ADDITIONAL DISTRICT AND SESSIONS JUDGE, TIRUCHIRAPPALLI.
 - 2 THE JUDICIAL MAGISTRATE, MANAPPARAI.
 - 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUCHIRAPPALLI.
 - 4 THE INSPECTOR OF POLICE, VAIYAMPATTI POLICE STATION,
TRICHY DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.14361 of 2022
IN
CRL RC(MD) No.1144 of 2022
Date :22/11/2022

TM
RS/VR/SAR. (24.11.2022) 3P-6C