



*Crl.MP No.3118 of 2023 in
Crl.A.228 of 2023*

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.03.2023

CORAM:
THE HONOURABLE MS JUSTICE R.N.MANJULA

Crl.MP No.3118 of 2023 in
Crl.R.C.No.411 of 2023

Dinesh
S/o.Veeramuthu

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Vellore Taluk Police Station,
Vellore District.
(Crime No.430 of 2014)

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., to suspend the sentence and grant bail to the petitioner / petitioner in Judgment passed in C.A.No.60 of 2021 dated 15.11.2022 by the learned Principal District and Sessions Judge, Vellore, Vellore District by confirming the order passed in C.C.No.657 of 2014 dated 05.10.2021 by the Judicial Magistrate No.1, Vellore.

For Petitioner : Mr.K.Gandhi Kumar

For Respondent : Mr.V.Meganathan,
Government Advocate (Crl. Side)

ORDER



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This petition has been filed to suspend the sentence imposed on the petitioner by the learned Principal District and Sessions Judge, Vellore in C.A.No.60 of 2021 dated 15.11.2022 by the learned Principal District and Sessions Judge, Vellore.

2. The petitioner herein is the sole accused. The learned Principal District and Sessions Judge, Vellore, vide judgment dated 15.11.2022 in C.A.No.60 of 2021 found the accused guilty and convicted and sentenced him with the fine of Rs.300/- each for the offence under Section 337 (4 counts) and in default to undergo one month Simple Imprisonment, and to undergo 6 month Rigorous Imprisonment for the offence under Section 304 (A) I.P.C.

3. Challenging the conviction and sentence passed by the Trial Court, the petitioner is before this Court.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. side) appearing for the respondent.

5. The learned counsel for the petitioner submitted that there are



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arguable points in this Criminal Appeal. He further submitted that at the time of occurrence, there was heavy rain and the accident had occurred beyond the control of the accused who drove the vehicle and none of the witnesses have spoken that the accused has driven the vehicle in a rash and negligent manner. Hence, prayed for suspension of sentence.

6. Taking into consideration of the above submission of the learned counsel appearing on both sides, this Court finds that the petitioner has substantial grounds in this Criminal Revision, which require detailed appraisal. Therefore, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.

7. Accordingly, it is ordered as follows.

(i) The substantive sentence of imprisonment alone is suspended and the petitioner shall surrender before the concerned Court within two weeks from the date of receipt of a copy of this order and on such surrender, the petitioner is ordered to be released on bail on their



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executing a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only), with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate I, Vellore.

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the concerned Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(iii) the petitioner/appellant shall report before the trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders;

03.03.2023

vum

Note: Issue order copy today (03.03.2023)

To

1. The Principal District and Sessions Judge, Vellore
2. The Judicial Magistrate I, Vellore.
3. The Public Prosecutor, High Court, Madras.



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R.N.MANJULA, J.

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