



Crl.MP No.2271 of 2023 in
Crl.RC No.274 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2023

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THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.M.P.No.2271 of 2023 in
in
Crl.RC No.274 of 2023

Dr.K.K.Rajagopal

... Petitioner

Vs.

1.The Inspector of Police,
CCB, Salem City,
(Crime no.12 of 2004)

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 397 of Criminal Procedure Code to suspend the sentence of six months simple imprisonment for offence under Section 120(b) of IPC and to undergo six months simple imprisonment for the offence under Section 468 of IPC imposed by judgment dated 25.02.2020 by the learned Judicial Magistrate I, Salem in C.C.No.449 of 2005 which was confirmed by the judgment dated 15.03.2022 passed by the learned Principal Sessions Judge, Salem in C.A.No.36 of 2020 pending disposal of the above Criminal Revision Petition.

For Petitioner

: Mr.L.Mouli

For Respondent

: Mr.V.Meganathan,

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Government Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence of six months simple imprisonment for offence under Section 120(b) of IPC and to undergo six months simple imprisonment for the offence under Section 468 of IPC imposed by judgment dated 25.02.2020 by the learned Judicial Magistrate I, Salem in C.C.No.449 of 2005 which was confirmed by the judgment dated 15.03.2022 passed by the learned Principal Sessions Judge, Salem in C.A.No.36 of 2020 pending disposal of the above Criminal Revision Petition.

2.The petitioner, who is A5 in C.C.No.449 of 2005, has been convicted for the offences under Sections 120(b) and 468 IPC for altering the "time of occurrence" and "time of admission" in the Accident Register, which was also confirmed by the lower Appellate Court. The learned counsel for the petitioner contended that the petitioner is aged about 73 years and there is no evidence on record to prove that the petitioner has corrected the date of admission in the A.R. Copy and due to health reason, the petitioner had not surrendered before the trial Court and hence,



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3.The learned counsel for the petitioner further submitted that petitioner has paid the fine amount and hence, prayed for suspension of sentence.

4.Heard the learned Government Advocate(Crl. side) appearing for the respondent and perused the impugned judgment and the materials on record.

5. Taking into consideration of the above submission of the learned counsel appearing for the petitioner, and also considering the fact that the petitioner is aged about 73 years, 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.

6. Accordingly, it is ordered as follows.

(i) The substantive sentence of imprisonment alone is suspended and the petitioner shall surrender before the Judicial Magistrate I, Salem within two weeks from the date of receipt of a copy of this order and on such surrender, the petitioner



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is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/-
(Rupees ten thousand only) each, with two sureties each for a like sum to the
satisfaction of the learned Judicial Magistrate I, Salem.

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

(iii) The petitioner shall appear before the Trial Court as and when required.

16.02.2023

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To

1.The Inspector of Police,
CCB, Salem City,
(Crime no.12 of 2004)

2. The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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