



WEB COPY



CRL.MP.NO.5656 OF 2023 IN CRL.RC.NO.727 OF 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CRL.MP.NO.5656 OF 2023

IN

CRL.RC.NO.727 OF 2023

Azhagiri

... Petitioner

Vs.

State Rep. By Sub-Inspector of Police
Tirupattur Taluk Police Station
Tirupattur, Vellore District.
Crime No.30/2011

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 397(1) Cr.P.C., to suspend the sentence imposed in the judgment passed in Crl.A.No.5 of 2018 dated 10.06.2020 on the file of III Additional Sessions Judge, Vellore @ Tirupattur in confirming the order of conviction dated 27.02.2018 passed in C.C.No.156 of 2013 on the file of the Judicial Magistrate II, Tirupattur and enlarge the petitioner on bail pending disposal of the above Criminal Revision Petition.

For Petitioner	...	Mr.Deepan Uday
For Respondent	...	Mr.R.Vinothraja
		Government Advocate (Crl. Side)



ORDER

WEB COPY

This Criminal Miscellaneous Petition has been preferred by the petitioner seeking to suspend the sentence imposed in the judgment passed in Crl.A.No.5 of 2018 dated 10.06.2020 on the file of III Additional Sessions Judge, Vellore @ Tirupattur, confirming the order of conviction dated 27.02.2018 passed in C.C.No.156 of 2013 on the file of the Judicial Magistrate II, Tirupattur and enlarge the petitioner on bail pending disposal of the above Criminal Revision Petition.

2.The Trial Court, by its judgment dated 27.02.2018 in C.C.No.156 of 2013 convicted and sentenced the petitioner / accused as follows;

<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Sole Accused	279, 337, 338 and 304 A IPC	U/s.279 IPC sentenced to undergo SI for six months; under Section 337 IPC (13 counts) to undergo SI for 3 months each counts; and under Section 338 IPC (8 counts) to undergo SI for six months each counts and under Section 304(A) IPC (4 counts) to undergo SI for two years each counts.
The sentence shall run concurrently.		

3.The petitioner, who is the sole accused in C.C.No.156 of



CRL.MP.NO.5656 OF 2023 IN CRL.RC.NO.727 OF 2023

2013, aggrieved over the judgment of conviction and sentence imposed on him, has filed the present Criminal Revision Case along with the instant miscellaneous petition, seeking suspension of sentence and to enlarge him on bail.

4.The case of the prosecution is that on 12.01.2011 at 15.40 hours, when the petitioner / accused driven the private bus bearing Registration No.TN30H-3344, in a rash and negligent manner, at Salem National Highways near Korati Petrol Bunk and lost his control and dashed against a Tavera Car bearing Registration No.TN23-BZ-6825. In the said accident, some of the passengers in the bus as well as the passengers in the Car sustained grievous and simple injuries. In the said accident, one Cennaiyan travelled in the bus, Unnammal, Rajarai and Car Driver Partheeban were died on the spot. The petitioner / accused is the only cause for the accident. Thereby, he committed the offence punishable under Sections 279, 337 (13 counts), 338 (8 counts) and 304(A) (4 counts). After analysing the oral and documentary evidence, the Trial Court imposed the punishment of conviction and sentence. Challenging the same, the petitioner preferred an appeal and the same was dismissed on



10.06.2020. Challenging the same, the petitioner is before this Court.

WEB COPY

5.The learned counsel for the petitioner submitted that there are arguable points in this Criminal Revision Petition and hence, prayed for suspension of sentence.

6.The learned Government Advocate (Criminal Side) for the respondent objected to suspend the sentence, but admitted that the petitioner is not confined in prison.

7.Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) and perused the entire materials available on record.

8.The petitioner has raised substantial grounds in the Criminal Revision, which require detailed appraisal. Further, the Criminal Revision is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.

9.Accordingly, the relief of suspension of sentence is granted



CRL.MP.NO.5656 OF 2023 IN CRL.RC.NO.727 OF 2023

to the petitioner on the following conditions:

WEB COPY

(i) The substantive sentence of imprisonment alone is suspended and the petitioner shall surrender before the learned Judicial Magistrate – II, Tirupattur, Vellore District, 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 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 above said Court.

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the above said Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity; and;

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

24.04.2023
(2/3)

TK



WEB COPY



CRL.MP.NO.5656 OF 2023 IN CRL.RC.NO.727 OF 2023

V.SIVAGNANAM, J.

TK

To

- 1.The III Additional Sessions Judge
Vellore @ Tirupattur.
- 2.The Judicial Magistrate II
Tirupattur.
- 3.The Sub-Inspector of Police
Tirupattur Taluk Police Station
Tirupattur, Vellore District.
- 4.The Public Prosecutor
High Court of Madras.

CRL.MP.NO.5656 OF 2023
IN CRL.RC.NO.727 OF 2023

24.04.2023

(2/3)