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Crl.M.P.No.4986 of 2023 in Crl.RC.No.659 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

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THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.4986 of 2023

in

Crl.RC.No.659 of 2023

Ravichandran

... Petitioner

/vs/

The State, represented by
Inspector of Police,
Perambalur Police Station,
Perambalur District
(Cr.No.70/2014)

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 397(1) of Cr.P.C., to suspend the sentence imposed in Crl.A.No.27 of 2022 by the Principal District and Sessions Judge, Perambalur, in his judgment dated 04.03.2023, confirming the judgment made in C.C.No.170 of 2014 passed by the Judicial Magistrate No.1, Perambalur, dated 20.09.2022 and enlarge the petitioner on bail, pending disposal of the Criminal Revision.

For Petitioner

... Mr.M. Velmurugan

For Respondent

... Mr.R.Vinoth Raja,
Govt. Advocate (Crl.side)



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This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed on the petitioner by judgment, dated 20.09.2022 passed in C.C.No.170 of 2014, by the Principal District and Sessions Judge, Perambalur, which was confirmed by the judgment made in Crl.A.No.27 of 2022, dated 04.03.2023 by the Principal District and Sessions Judge, Perambalur and enlarge the petitioner on bail pending disposal of this Criminal Revision Case.

2. The trial court, by its judgment dated 20.09.2022, convicted and sentenced the petitioner as follows

<i>Accused</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Sole accused	U/s.304 A of IPC	to undergo SI for a period of 1 year and to pay a fine of Rs.10,000/-, in default, to undergo 2 months SI.

3. Aggrieved over the judgment of conviction and sentence imposed on him in C.C.No.170 of 2014, has preferred Crl.A.No.27 of 2022 before the Principal District and Sessions Judge, Perambalur, who, by his judgment dated 04.03.2023, confirmed the conviction and sentence imposed by the trial court. Challenging the above conviction and sentence, the petitioner has



filed the present criminal revision case, along with the instant miscellaneous petition, seeking suspension of sentence and bail.

4. The learned counsel for the petitioner submitted that the judgment of the trial court and the lower appellate court is contrary to law, weight of evidence and probabilities of the case. He would further submit that there are arguable points in this Revision and the petitioner has every chance to succeed in this Criminal Revision Case. Thus, he prayed for suspension of sentence till the disposal of this Criminal Revision.

5. The learned Govt. Advocate (crl.side) submitted that the petitioner/accused, drove his lorry in a rash and negligent manner and hit against one Sarfuddin, employed as Inspector of Police, who was on duty and due to the accident, he sustained severe injuries and died. Therefore the petitioner was rightly convicted and sentenced by the courts below under section 304A IPC. Thus he objected for granting suspension of sentence.

6. Heard the learned counsel appearing for the petitioner and the learned Govt. Advocate (crl.side) appearing for the respondent and perused



the materials available on record.

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7. The petitioner has raised substantial grounds in the Revision which require detailed appraisal. Further, the 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 and bail.

8. Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:

- (i) The petitioner shall surrender before the Judicial Magistrate No.1, Perambalur, 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 executing a bond for a sum of Rs.10,000/-(Rupees ten thousand only) along with two sureties, each for a like sum, to the satisfaction of the abovesaid court;
- (ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the abovesaid 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 trial Court as and



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when required.

19.06.2023

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To

1. The Judicial Magistrate No.1, Perambalur;
2. The Principal District and Sessions Judge, Perambalur.
3. The Inspector of Police, Perambalur Police Station, Perambalur District.
4. The Public Prosecutor, High Court, Madras.

V.SIVAGNANAM, J.

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