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Crl.M.P.No.8091 of 2023 in Crl.RC.No.1012 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2023

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THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.8091 of 2023

in

Crl.RC.No.1012 of 2023

Suthanthira Veeravasagan

... Petitioner

/vs/

The State, represented by
the Inspector of Police,
Kilvelur Police Station,
Thiruvarur District.
(Cr.No.37 fo 2018)

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 397(1) of Cr.P.C., to suspend the sentence made in Crl.A.No.17 of 2020, dated 10.03.2023 on the file of the Principal Sessions Judge, Nagapattinam, in confirming the judgment made in C.C.No.123 of 2018, dated 20.11.2020 on the file of the Judicial Magistrate No.1, Nagappattinam, and enlarge the petitioner on bail, pending disposal of the Criminal Revision.

For Petitioner

... Mr.J.Jawahar

For Respondent

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



ORDER

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2. The trial court, by its judgment dated 20.11.2020, 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 RI for a period of 1 year and to pay a fine of Rs.5,000/-, in default, to undergo 3 months SI.

3. Aggrieved over the judgment of conviction and sentence imposed on him in C.C.No.123 of 2018, the accused has preferred Crl.A.No.17 of 2020 before the Principal Sessions Judge, Nagapattinam, who, by the judgment dated 10.03.2023, 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 Maniyan, father of the complainant and due to the accident, the said Maniyan had died on spot. 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.

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, Nagappattinam, 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 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



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or Bank pass Book to ensure their identity; and;

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

20.06.2023

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To

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

V.SIVAGNANAM, J.



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