



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Ninth day of January Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.367 of 2023
in
CRL.R.C.(MD)No.25 of 2023

BALACHANDRAN

... PETITIONER/PETITIONER

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
VALLATHIRAKOTTAI POLICE STATION,
PUDUKKOTTAI DISTRICT.
CRIME NO. 84 OF 2013.

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence of Imprisonment and sentence imposed in Crl A No. 41 of 2019 on the file of the Additional District and Sessions Judge, Pudukkottai dated 29.07.2022 by confirming the conviction and sentence of imprisonment imposed by the learned Judicial Magistrate No.I, Pudukkottai in C.C.No.276 of 2013, dated 24.07.2019 pending disposal of the Criminal Revision.

PRAYER in CRL.R.C.(MD)No.25 of 2023:

Pleased to call for the records relating to the Judgment dated 29.07.2022 made in Crl.A.No.41 of 2019 on the file of the Additional District and Sessions Judge, Pudukkottai by confirming the conviction made in C.C.No.276 of 2013 on the file of the Judicial Magistrate No.I, Pudukkottai, dated 24.07.2019 and set aside the same as illegal.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S. RAMESHKUMAR.D., Advocate for the petitioner and of MR.R.SURESH KUMAR, Government Advocate (Crl.Side) on behalf of the Respondent, the court made the following order:-

This petition is filed to suspend the sentence passed in Crl.A. No.41 of 2019 dated 29.07.2022, by the learned Additional District and Sessions Judge, Pudukkottai, pending disposal of the Criminal Revision.



2.Challenging the conviction and sentence, the petition is preferred the present Criminal Revision Case along with the instant miscellaneous petition seeking suspension of sentence.

3.The learned counsel appearing for the petitioner submitted that the revision case is preferred on the ground that it is the pure case of accident and due to the rash and negligent drive of the opposite coming vehicle's driver, the above said occurrence took place. It is also further submitted that the opposite vehicle was carrying school children on the top of the milk drum, because of that only, the above said accident took place.

(*)4.Considering the submission of the learned counsel for the petitioner, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision and the petitioner is directed to be enlarged 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 learned Judicial Magistrate No.1, Pudukkottai, and on further condition that the petitioner shall appear before the concerned Court once in a week i.e., on the first working day of every week at 10.30 a.m. pending revision.

sd/-

09/01/2023

(*)Amended as per order of this Court dated 20.01.2023 in CRL MP(MD) No.367 of 2023 in CRL RC(MD)No.25 of 2023.

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/02/2023

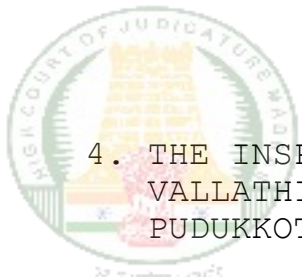
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 09/01/2023 ALREADY DESPATCHED

1. THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
PUDUKKOTTAI.
2. THE JUDICIAL MAGISTRATE NO.I,
PUDUKKOTTAI.
3. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.



CRL MP(MD)



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4. THE INSPECTOR OF POLICE,
VALLATHIRAKOTTAI POLICE STATION,
PUDUKKOTTAI DISTRICT.

5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL MP(MD) No.367 of 2023
in

CRL.R.C. (MD) No.25 of 2023

Date :09/01/2023

USK/VR/SAR- /10.01.2023/3P/6C

RK/SAR- 2(06/02/2023) 4P/6C