



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

Wednesday, the Eleventh day of January Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.789 of 2023 in

CRL.R.C. (MD) No.54 of 2023

WEB COPY

KARUPPAIAH

... PETITIONER/PETITIONER

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
TRANSPORT INVESTIGATION DIVISION-3,
MADURAI. CR NO.190 OF 2011.

... RESPONDENT/COMPLAINANT

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 and grant bail to the Revision petitioner pending disposal of the Criminal Revision Case before this Hon'ble court against the Judgment dated 30.11.2022 in Crl A No. 44 of 2021 on the file of the Learned V Additional District Sessions Judge, Madurai in CC No.538 of 2011 on the file of the Judicial Magistrate No.II, Madurai.

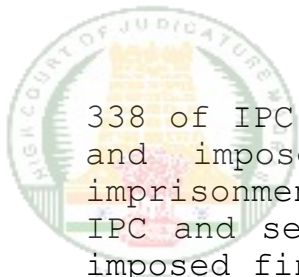
PRAYER IN CRL.R.C. (MD) No.54 of 2023 :

Pleased to call for the records pertaining to the Judgment dated 30.11.2022 in Crl.A.No.44 of 2021 on the file of the Learned V Additional District Sessions Judge, Madurai modification the judgment in CC No.538 of 2011 on the file of the Judicial Magistrate No.II, Madurai and set aside the same and acquit the petitioner.

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.LAJAPATHI ROY.T, Advocate for the petitioner and of MR.M.SAKTHI KUMAR, Government Advocate (Crl.Side) on behalf of the Respondent, while admitting the Crl.RC., the court made the following order:-

This petition is filed to suspend the sentence imposed by the Court of the learned V Additional District and Sessions Judge, Madurai, in Crl.A.No.44 of 2021, dated 30.11.2022, in confirming the conviction and sentence imposed by the learned Judicial Magistrate No.II, Madurai, in C.C.No.538 of 2011, dated 13.03.2020, pending disposal of the Criminal Revision.

2.The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court for the alleged offence under 279 of IPC and sentenced him to undergo 6 months simple imprisonment and imposed fine of Rs.1,000/- in default one month simple imprisonment, for the alleged offence under Section



338 of IPC and sentenced him to undergo one year simple imprisonment and imposed fine of Rs.1,000/- in default one month simple imprisonment and for the offence alleged under Section 304 (A) of IPC and sentenced him to undergo two years simple imprisonment and imposed fine of Rs.1,000/- in default one month simple imprisonment. The sentences were ordered to run concurrently. The appellate Court modified the sentence imposed by the trial Court into one year simple imprisonment.

3.The learned counsel appearing for the petitioner submitted that because of the mechanical defect only the above said occurrence said to have been taken place. Only scratch was made upon the vehicle. Rider and pillion rider were travelling in the vehicle. Pillion rider died on the spot. He also pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars.

4.Mr.M.Sakthi Kumar, learned Additional Public Prosecutor appearing for State Government (Crl.side) submitted that there are enough materials available on record against the petitioner and hence he strongly opposed to grant suspension of sentence.

5.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

6.Accordingly, 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 Judicial Magistrate No.I, Madurai, 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/-

11/01/2023

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/01/2023

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

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant



TO

1. THE V ADDITIONAL DISTRICT SESSIONS JUDGE,
MADURAI.
2. THE JUDICIAL MAGISTRATE NO.II,
MADURAI.
3. THE JUDICIAL MAGISTRATE NO.I,
MADURAI.
4. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
5. THE INSPECTOR OF POLICE,
TRANSPORT INVESTIGATION DIVISION-3,
MADURAI.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP (MD) No.789 of 2023
in
CRL.R.C. (MD) No.54 of 2023
Date :11/01/2023

USK/VR/SAR- /11.01.2023/3P/7C