



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

Wednesday, the Twenty Second day of February Two Thousand and
Twenty Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.3113 of 2023

in

CRL.R.C.(MD)No.221 of 2023

ALAGUPANDI

... PETITIONER/APPELLANT/
SOLE ACCUSED

Vs

The State Rep.by
THE INSPECTOR OF POLICE
M.RETTIYAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO. 77 OF 2015.

... RESPONDENT/ RESPONDENT/
COMPLAINANT

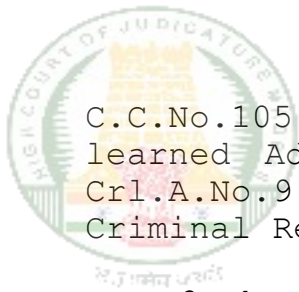
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the sentence passed by the Learned Additional District and Sessions Judge, Virudhunagar in CA.No.9 of 2019 dt.25.1.2023 by confirming the judgment of conviction and sentence passed by the Learned Judicial Magistrate, Aruppukottai in C.C.No.105 of 2016 dated 13.02.2019 and enlarge the petitioner on bail pending disposal of the above Criminal Revision.

Prayer in CRL RC(MD). 221 of 2023 :

To call for the records pertaining to the impugned judgment of conviction and sentence passed by the Learned Additional District and Sessions Judge, Virudhunagar in CA.No.9 of 2019 dt.25.1.2023 by confirming the judgment of conviction and sentence passed by the Learned Judicial Magistrate, Aruppukottai in C.C.No.105 of 2016 dated 13.02.2019 and set aside the same.

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.KARUPPASAMY PANDIYAN G, Advocate for the petitioner and of Mr.R.SURESH KUMAR, Government Advocate(Crl.Side) on behalf of the Respondent, while admitting the Criminal Revision Case, the court made the following order:-

This petition is filed to suspend the sentence imposed by the
<https://www.court.gov.in/judis> the learned Judicial Magistrate, Aruppukottai, in



C.C.No.105 of 2016, dated 13.02.2019, which was confirmed by the learned Additional District and Sessions Judge, Virudhunagar, in Crl.A.No.9 of 2019, dated 25.01.2023, 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 Sections 279 and 304(A) IPC and sentenced him to undergo 18 months rigorous imprisonment for the offence under Section 304(A) ICP and to imposed fine of Rs.2,000/- in default to undergo one month simple imprisonment. However, there was no separate sentence in respect of the offence under Section 279 IPC.

3.The learned counsel appearing for the petitioner submitted that in spite of specific observation or finding by the trial Court that the School authorities are also responsible for non maintaining of the School van in proper manner, the revision petitioner has been convicted and sentenced. In the light of the above said observation, whether any criminality can be made out against the petitioner is a matter for consideration in the revision petition. He also pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars.

4.Mr.R.Suresh Kumar, learned Government Advocate 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, Aruppukottai, 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/-

22/02/2023

/ TRUE COPY /

/03/2023

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



1. THE ADDITIONAL DISTRICT AND SESSIONS JUDGE, VIRUDHUNAGAR.

2. THE JUDICIAL MAGISTRATE, ARUPPUKOTTAI.

3. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.

4 THE INSPECTOR OF POLICE
M.RETTIYAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

COPY TO:

THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI. (CALL FOR RECORDS)

+1. C.C. to M/S.KARUPPASAMY PANDIYAN G Advocate SR.No.2821

ORDER
IN
CRL MP(MD) No.3113 of 2023
in
CRL.R.C.(MD)No.221 of 2023
Date :22/02/2023

RD/SBN/SAR-III (02/03/2023) 3P 8C