



CRL MP(MD) No.10377 of 2023

WEB COPY

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

Tuesday, the Eighth day of August Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.K. RAMAKRISHNAN

CRL MP(MD) No.10377 of 2023

in

CRL RC(MD)No.768 of 2023

R.VAIRAMANI

... PETITIONER/REVISION PETITIONER

Vs

THE INSPECTOR OF POLICE
SIPCOT POLICE STATION,
MANAMADURAI
SIVAGANGAI DISTRICT
CRIME NO.61 OF 2015

... RESPONDENT/RESPONDENT

Criminal Miscellaneous 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 in judgment passed in CA.No.56 of 2022 dated 25.04.2023 on the file of the Additional District and Sessions Court, Sivagangai in CC.No.354 of 2022 judgment dated 04.11.2022 on the file of learned Judicial Magistrate, Manamadurai and enlarge the petitioner on bail, pending disposal of the above criminal revision Petition.

Prayer in CRL RC(MD). 768/ 2023 :

To call for the records pertaining to the judgment dated 25.04.2023 made in Crl.A.No.56 of 2022 on the file of Additional District and Sessions Court, Sivagangai, confirming the judgment dated 04.11.2022 in CC.No.354 of 2022 on the file of learned Judicial Magistrate, Manamadurai, set aside the same and allow the Criminal

Revision

<https://www.mhc.tn.gov.in/judis>



CRL MP(MD) No.10377 of 2023

Order : This Criminal Miscellaneous Petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S. THIRUPATHY.S, Advocate for the petitioner and of Mr.M.MUTHUMANIKKAM, 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 Additional District & Sessions Court, Sivagangai, in Crl.A.No.56 of 2022 dated 25.04.2023, in confirming the conviction and sentence imposed by learned Judicial Magistrate, Manamadurai, in C.C.No.354 of 2022, dated 04.11.2022, and enlarge the petitioner on bail pending disposal of the Criminal Revision.

2.The case of the prosecution is that on 01.05.2015, at about 02.00 p.m, when the defacto complainant along with his wife namely, Malayammal and one Indira, who is one of the resident of his village walking from East to West direction on the extreme left side of the road towards periyakkottai, nearing Periyakottai Uppar river bridge, a Maruthi Suzuki Omini bearing Reg.No.KA-19-ME-3676 drove by the accused at a high speed in a rash and negligent manner, without sounding horn and dashed against the said Malayammal and Indira. As a result, the Malayammal and Indira sustained multiple injuries. The Malayammal was pronounced dead on arrival at the Government Hospital, Sivagangai. Hence the respondent police registered the case in

Crime No.61 of 2015 for the offence under Sections 279, 337 and 304 of IPC. After



CRL MP(MD) No.10377 of 2023

investigation, the respondent police filed final report before before the learned Judicial Magistrate, Manamadurai, and the same was taken on cognizance in C.C.No.354 of 2022 for the offence under Section 304(A) of IPC.

3.The learned counsel for the petitioner would submit that the petitioner was convicted by the learned Judicial Magistrate, Manamadurai, for the offence under Section 304(A) IPC (2 counts) and sentenced him to undergo 1 year simple imprisonment and to pay a fine of Rs.1000/-, in default to undergo 1 year Simple Imprisonment for each count. The Additional District & Sessions Court, Sivagangai, dismissed the appeal filed by the petitioner, in Crl.A.No.56 of 2022. Aggrieved by the said order, the petitioner has preferred the present revision along with the present miscellaneous petition seeking suspension of sentence.

4. The learned counsel for the petitioner submitted that there are some arguable points involved in the criminal revision and the learned trial Judge as well as the Appellate Judge has not considered the evidence in proper prospect and hence, the judgment is suffered from perversity. He further submitted that there is no negligence on the part of the petitioner and there is no ingredients to prove the offence under Section 304(A) of IPC from the defence witness and the defence



CRL MP(MD) No.10377 of 2023

document. He further submitted that the petitioner is in custody from 31.07.2023 onwards. Hence, he seeks for the suspension of sentence.

WEB COPY

5. This Court has carefully considered the submission made by the counsel for the petitioner and also perused the materials available on record.

6. Considering the period of incarceration and as rightly contended by the learned counsel for the petitioner that there are some arguable points involved in the criminal revision, this Court is inclined to grant suspension of sentence and accordingly, this petition is allowed on the following conditions:

(i) 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, Manamadurai;

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity; and



CRL MP(MD) No.10377 of 2023

WEB COPY

(iii) the petitioners shall appear before the trial Court once in a month i.e., on the first working day of every month at 10.30 a.m. pending revision.

sd/-
08/08/2023

/ TRUE COPY /

09/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

dss

TO

- 1 THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE, SIVAGANGAI.
- 2 THE JUDICIAL MAGISTRATE,
MANAMADURAI.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 4 THE INSPECTOR OF POLICE
SIPCOT POLICE STATION,
MANAMADURAI
SIVAGANGAI DISTRICT
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



CRL MP(MD) No.10377 of 2023

+1 CC to M/s.S.THIRUPATHY, Advocate (SR-11937[I] dated 08/08/2023)

ORDER
IN
CRL MP(MD) No.10377 of 2023
in
CRL RC(MD)No.768 of 2023
Date :08/08/2023
(1/2)

SS/09/08/2023/4P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023