



CRL MP(MD) No.15633 of 2023

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

Tuesday, the Seventh day of November Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN
CRL MP(MD) No.15633 of 2023
in
CRL RC(MD) No.1232 of 2023

ARUN

... PETITIONER/PETITIONER

Vs

State Rep.by
THE INSPECTOR OF POLICE
PAPPANADU POLICE STATION,
THANJAVUR DISTRICT.
CR.NO.312/2012

... 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 passed against the Petitioner in Crl.A.No.81/2023 dt 13.09.2023 on the file of the III Additional District and Sessions Court Thanjavur @ Pattukottai by confirming the Conviction and sentenced passed in CC.No.90/2014 dated 06.02.2023 on the file of the District Munsif Cum Learned Judicial Magistrate, Orathanadu pending disposal of Criminal Revision Case.

Prayer in CRL RC(MD). 1232/ 2023 :

To call for the records and set aside the Judgment passed in Crl.A.No.81/2023 dt 13.09.2023 on the file of the III Additional District and Sessions Court Thanjavur @ Pattukottai by confirming the conviction and Sentence passed in CC.No.90/2014 dated 06.02.2023 on the file of the District Munsif Cum Learned Judicial Magistrate, Orathanadu and acquit the petitioner from the charges.

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.MURUGESAN.D.R, Advocate for the petitioner and of MR.S.MANIKANDAN, Government Advocate (Crl.Side) on behalf of the Respondent, while admitting the Criminal Revision Case, the court made the following order:-



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This petition is filed to suspend the sentence and conviction passed in C.C.No.90 of 2014, dated 06.02.2023 on the file of the District Munsif Cum learned Judicial Magistrate, Orathanadu and the same was confirmed in Crl.A.No.81 of 2023, dated 13.09.2023 on the file of the learned III Additional District and Sessions Court, Thanjavur @ Pattukottai, 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 Section 279 of IPC and the petitioner sentenced to undergo three months of simple imprisonment and to pay a fine of Rs.1000/- (Rupees One Thousand only) in default to undergo one week simple imprisonment, for the offence under Section 338 of IPC and the petitioner sentenced to undergo six months of simple imprisonment and to pay a fine of Rs.1000/- (Rupees One Thousand only) in default to undergo one week simple imprisonment and the offence under Section 304 A of IPC and the petitioner sentenced to undergo one year of simple imprisonment and to pay a fine of Rs.10,000/- (Rupees Ten Thousand only) in default to undergo one month simple imprisonment in C.C.No.90 of 2014 on the file of the learned District Munsif Cum learned Judicial Magistrate, Orathanadu and the same was confirmed by learned III Additional District and Sessions Court, Thanjavur @ Pattukottai, in Crl.A.No.81 of 2023, dated 13.09.2023.



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3.The learned counsel for the petitioner submitted that without noticing the petitioner's vehicle, the deceased suddenly crossed the road, therefore, the accident had occurred and the same was not properly considered either by the trial Court or by the appellate Court.

4.Heard the learned Government Advocate (Crl.Side) appearing for the respondent police.

5.In view of the above submission made by the learned counsel for the petitioner, this Court is inclined to suspend the sentence imposed upon the petitioner.

6.Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail, on condition that the petitioner shall execute 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 learned District Munsif Cum learned Judicial Magistrate, Orathanadu and on further condition that the petitioner shall appear before the said Court at 10.30 a.m. on the first working day of every English Calendar month, pending disposal of the revision.

sd/-
07/11/2023

/ TRUE COPY /

08/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

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1 THE III ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THANJAVUR @ PATTUKOTTAI.

2 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, ORATHANADU.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

4 THE INSPECTOR OF POLICE, PAPPANADU POLICE STATION,
THANJAVUR DISTRICT.

5 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

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

ORDER
IN

CRL MP(MD) No.15633 of 2023

in

CRL RC(MD) No.1232 of 2023

Date :07/11/2023

RS//SAR-(08.11.2023) 4P 7C

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