



CRL MP(MD) No.18308 of 2023

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

Thursday, the Twenty Eighth day of December Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice R.SAKTHIVEL

CRL MP(MD) No.18308 of 2023

IN

CRL RC(MD) No.1453 of 2023

SELVAM

... PETITIONER/ APPELLANT/ SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE

KARAIKUDI NORTH POLICE STATION,

SIVAGANGAI.

... RESPONDENT/ RESPONDENT/ COMPLAINANT

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 by the learned Additional District Judge, Sivagangai in Crl.A.No.24/2023 dt.18/12/2023 confirming the conviction and sentence passed by the learned Judicial Magistrate, Karaikudi in CC No.392/2022 dt.28/2/2023 and enlarge the petitioner on bail pending disposal of the above appeal.

Prayer in CRL RC(MD). 1453/ 2023 :

To call for the records pertaining to the impugned judgment of conviction and sentence passed by the Learned Additional District Judge, Sivagangai in



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Crl.A.No.24/2023 dt.18/12/2023 confirming the conviction and sentence passed by the learned Judicial Magistrate, Karaikudi in CC.No.392 of 2022 dated 28.02.2023 and set aside the same.

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 Mr.G.KARUPPASAMY PANDIYAN, Advocate for the petitioner and of Mr.P.KOTTAICHAMY, Government Advocate(crl.side) on behalf of the Respondent While admitting the Criminal Revision Case, the court made the following order:-

The petitioner filed this Criminal Miscellaneous Petition praying to suspend the sentence passed by the learned Additional District and Sessions Judge, Sivagangai in Crl.A.No.24 of 2023 dated 18.12.2023 confirming the conviction recorded and sentence imposed by the learned Judicial Magistrate, Karaikudi in CC.No.392 of 2022 dated 28.02.2023 and to enlarge the petitioner on bail, pending disposal of the Criminal Revision Case.

2.The learned counsel for the petitioner has submitted that the petitioner is a Driver serving in Tamil Nadu State Transport Corporation. He further submitted that the petitioner has not committed any offence as alleged by prosecution and that he did not drive the bus in a rash and negligent manner. He further submitted that the petitioner is 59 years old; a law abiding citizen. He is ready to cooperate with the



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Court for early disposal of the Revision Case. Accordingly, the learned counsel prayed to suspend the sentence.

3.The petitioner has filed an affidavit in support of the petition. This Court has perused the same.

4.Considering the fact that the petitioner is serving as Driver in Tamil Nadu State Transport Corporation and also considering the facts and circumstances of the case, this Court is of the prima facie view that the sentence is to be suspended pending this Revision Case.

5.Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned Judicial Magistrate, Karaikudi in CC.No.392 of 2022 and confirmed by the learned Additional District Judge, Sivagangai in Crl.A.No.24 of 2023 alone is suspended subject to the following conditions:-

i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Karaikudi.

ii) The petitioner shall appear and sign before the Additional District Judge, Sivagangai, on the first working day of every English calender month at 10.30 a.m., until further orders.



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iii) In case, for any reason if the petitioner is unable to appear before the Court on the first working day of a month, he shall appear on the next working day.

iv) The petitioner shall furnish his residential address and mobile number to the 1st appellate Court ie., Additional District and Sessions Judge, Sivagangai.

6. Subject to the above conditions, this Petition is allowed.

sd/-
28/12/2023

/ TRUE COPY /

/01/2024
Sub-Assistant Registrar
(C.S. I / II / III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MM/IAS
TO
1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
ADDITIONAL DISTRICT COURT,
SIVAGANGAI.

2 THE JUDICIAL MAGISTRATE,
KARAIKUDI.

3 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, SIVAGANGAI DISTRICT.

4 THE INSPECTOR OF POLICE
KARAIKUDI NORTH POLICE STATION,
SIVAGANGAI.



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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 cc to Mr.G.KARUPPASAMY PANDIYAN, Advocate, SR.No.15 DT.02/01/2024

ORDER
IN
CRL MP(MD) No.18308 of 2023
IN
CRL RC(MD) No.1453 of 2023
Date :28/12/2023

SA/DD/SAR. /02.01.2024/5P/8C

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