



*Crl.M.P.No.11197 of 2024  
in Crl.A.No.1018 of 2024*

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2024

CORAM:

THE HON'BLE MR.JUSTICE **M. NIRMAL KUMAR**

Crl.M.P.No.11197 of 2024  
in  
Crl.A.No.1018 of 2024  
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Manivel  
Petitioner

...

Vs.

State rep. by,  
Inspector of Police,  
Neyveli Town Police Station,  
Cuddalore District.  
(Crime No.13 of 2015)

... Respondent

**PRAYER:** Criminal Miscellaneous Petition has been filed under Section 389(1) of Criminal Procedure Code to suspend the sentence made in S.C.No.48 of 2019 judgement dated 11.07.2024 passed by the learned Sessions Judge Mahila Court, Cuddalore and enlarge the petitioner on bail pending of the above said Criminal appeal.

For Petitioner : Mr.Palaninathan  
for B.B.Senthilkumar  
For Respondent : Mr.R.Vinothraja,  
Government Advocate (Crl.Side)



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## **ORDER**

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence of imprisonment imposed by the learned Sessions Judge, Mahila Court, Cuddalore by judgment dated 11.07.2024 made in S.C.No.48 of 2019 and to enlarge him on bail pending disposal of the above appeal.

2. The petitioner is accused in S.C. No. 48 of 2019. The trial Court convicted the petitioner for offence under Sections 279 and 304 A of IPC and convicted him by judgment dated 11.07.2024 and sentenced to undergo simple Imprisonment for a period of six months and to pay a fine of Rs.10,000/-, in default to undergo further period of imprisonment for three months. Against which, the petitioner / appellant has filed Crl.A.No.1018 of 2024 along with the instant miscellaneous petition seeking suspension of sentence.

3. The contention of the petitioner is that on 08.01.2015, he was riding his bike, Bajaji Pulsar bearing registration number TN-23-BW-5698 from North to South on the Chennai to Kumbakonam road. At that time, one Devayanai was crossing the road from East to West from the left side of the road, as a result of which, the accident had occurred. Due to the accident the



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said Devayanai died on the spot. Hence the case was registered for the offences under sections 279 and 304(ii) of IPC against the petitioner. The Trial court convicted the petitioner for the reason that the petitioner was riding the two wheeler in a rash and negligent manner.

4. During Trial, PW1 to PW11 were examined on the side of prosecution and Exhibits Ex.P1 to Ex.P8 marked. On behalf of the defence, there was no witnesses examined or exhibits marked. On conclusion of trial, trial Court acquitted the petitioner for the charges under section 304 A of IPC and sentenced him undergo six months simple imprisonment and to pay a fine of Rs.10,000/- , in default to undergo three months imprisonment. The trial Court has already suspended the sentence imposed on him till 10.08.2024.

5. The learned Government Advocate (Crl.Side) appearing for the respondent opposed the prayer of the petitioner for suspension of sentence. According to the learned Government Advocate, on 08.01.2015, the petitioner had driven the two wheeler in an intoxicated stage at a high speed and dashed against the deceased Deivayanai, who was walking from east to west and crossed the road from the left side of the road. The victim sustained serious head injuries and died on the spot. The Trial Court acquitted the petitioner for



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the offence under Section 304 (ii) IPC on technical ground that there is no evidence to prove the quantity of liquor which he had consumed before riding the vehicle. In all other aspects, the trial court accepted the case of the prosecution and convicted the petitioner for the offence under section 304 A of IPC and sentenced him to undergo six months of simple imprisonment.

6. Considering the submissions and perusal of the materials, the trial court convicted the petitioner for the offence under section 304A of IPC and sentenced him to undergo simple imprisonment for a period of six months, this Court is of the view that conviction and sentenced of the petitioner needs re-consideration. Further it will take a long time for the appeal to be taken up for final hearing. Hence, this Court is inclined to suspend the substantial sentence imposed upon him.

7. Accordingly, the substantial sentence of imprisonment imposed on the petitioner is suspended with the following conditions:

(a) The petitioner/accused is ordered to be enlarged on bail, on condition that he shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties, each for a like sum to the satisfaction of the Trial Court, within a period of 15 days.



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(b) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

(c) The petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the appeal and if he is not able to appear before the Trial Court on that day, they shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the Trial Court on any other day in lieu of the date of their absence as directed by the Trial Court.

8. Accordingly, this Criminal Miscellaneous Petition is ordered.

**27.08.2024**

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**M. NIRMAL KUMAR, J.**

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To

1. The learned Sessions Judge Mahila Court,  
Cuddalore.
2. The Inspector of Police,  
Neyveli Town Police Station,  
Cuddalore District.  
(Crime No.13 of 2015)
3. The Public Prosecutor,  
High Court, Madras.

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