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*Crl.M.P.Nos.13174 & 13175 of 2024
in Crl.R.C.No.1588 of 2024*

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SUNDER MOHAN, J.

These Criminal Miscellaneous Petitions have been filed by the petitioner, seeking to suspend the sentence imposed on the revision petitioner/accused in C.C.No.45/2012 dated 23.04.2021 by the learned Judicial Magistrate No.II, Kancheepuram and confirmed by the Principal District Sessions Judge, Kancheepuram District in C.A.No.10/2021 dated 09.07.2024 and enlarge the petitioner on bail and to exempt the petitioner from surrendering before the trial court, pending disposal of the above Criminal Revision.

2. The case of the prosecution is that the petitioner had drove the bus bearing Regn.No.TN21 AY 4567 in a rash and negligent manner while crossing another bus which was parked on the road and dashed against a pedestrian who was waiting to cross the road and caused fatal injuries to him.

3. The learned counsel for petitioner would submit that the accident took place only since the pedestrian had suddenly crossed the road and the place was not designated for pedestrian crossing and that no negligence



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would be attributed to the petitioner and prayed for granting suspension of sentence to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent, per contra, submitted that the petitioner has not made out any ground for suspension of sentence and prayed for dismissal of the petitions.

5. Heard both sides and perused the records.

6. On perusal of the evidence on record, judgment of the courts below and the grounds raised by the petitioner, this court is of the view that the petitioner has raised substantial ground in the above revision which has to be considered.

7. Considering the fact that the revision is not likely to be taken up in the near future, this Court is inclined to grant the relief of suspension of sentence to the petitioner and exempt the petitioner from surrendering before



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the trial court, subject to the following conditions till the disposal of the above Criminal Revision :

(a) The petitioner 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), with two sureties, each for a like sum to the satisfaction of the trial Court

(b) The petitioner shall appear before the Trial Court on the first working day of a month at 10.30 a.m., until the disposal of the revision and if he is not able to appear before the Trial Court on that day, he 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 his absence as directed by the Trial Court.

(c) In the event of failure on satisfying the above conditions, this order would stand automatically cancelled.

8. Accordingly, these Criminal Miscellaneous Petitions are ordered.

08.11.2024
(2/2)

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Note : Issue order copy by 12.11.2024

SUNDER MOHAN, J.



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To

- 1.The Judicial Magistrate No.II,
Kancheepuram.
- 2.The Principal District Sessions Judge,
Kancheepuram District
- 3.The Public Prosecutor,
High Court, Madras.

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