



WEB COPY

*Crl.M.P.Nos.14228 & 14229 of 2024
in Crl.R.C.No.1722 of 2024*



Crl.M.P.Nos.14228 & 14229 of 2024
in
Crl.R.C.No.1722 of 2024

SUNDER MOHAN, J.

These Criminal Miscellaneous Petitions have been filed by the petitioner/sole accused, seeking to suspend the sentence imposed on him in C.A.No.313 of 2019 dated 22.08.2024 by the learned IV Additional District and Sessions Judge, Coimbatore, by confirming the judgment in CC.No.142 of 2013 dated 28.08.2019 on the file of the Judicial Magistrate No.I, Pollachi, and enlarge the petitioner on bail and to exempt the petitioner from surrendering before the trial Court, pending disposal of the above revision.

2. The case of the prosecution is that on 26.01.2013, at about 2.00 p.m., the petitioner had driven his Swift car bearing Regn.No.TN-41-AD-1521, in a rash and negligent manner and while overtaking a car dashed against a two-wheeler, as a result of which, the rider of the two-wheeler sustained fatal injuries.

3. The trial Court found the petitioner/accused guilty of the offence under Sections 279 and 304(A) of the IPC and sentenced him to undergo



simple imprisonment for one year. On appeal, the appellate Court confirmed the said conviction and sentence.

4. The learned counsel for petitioner would submit that the prosecution had not established that the petitioner had driven the vehicle; that the evidence of eyewitnesses do not inspire confidence; that the cross examination of witnesses viz., PW1 and PW2 would show that the petitioner had not committed the offence under Section 304-A of the IPC and that the petitioner is a chronic heart patient and relied upon the medical reports to substantiate his claim.

5. The learned Government Advocate (Crl.side) appearing for the respondent/State, *per contra*, would submit that the prosecution has established its case beyond reasonable doubt; that therefore the petitioner has not made out any ground for exemption from surrendering and suspension of sentence and prayed for dismissal of both the petitions.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent/State and perused the records.



WEB COPY



7. Considering the submissions made by the learned counsel for the petitioner; that the petitioner has raised arguable points in the above revision, which require consideration and the fact that the petitioner has an ailment, this Court is inclined to grant suspension of sentence to the petitioner and exempt him from surrendering before the trial court.

8. Accordingly, this Court grants the relief of suspension of sentence imposed on the petitioner and exempt the petitioner from surrendering before the trial court, on 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; and



WEB COPY

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

9. Accordingly, these Criminal Miscellaneous Petitions are ordered.

19.11.2024
(2/2)

ars

To

- 1.The IV Additional District and Sessions Judge, Coimbatore.
- 2.The Judicial Magistrate No.I, Pollachi
- 3.The Public Prosecutor, High Court, Madras.



WEB COPY



*Crl.M.P.Nos.14228 & 14229 of 2024
in Crl.R.C.No.1722 of 2024*

SUNDER MOHAN, J.

ars

**Crl.M.P.Nos.14228 & 14229 of 2024
in Crl.R.C.No.1722 of 2024**

**19.11.2024
(2/2)**