



Crl.M.P.Nos.15049 & 15051 of 2024 in Crl.R.C.No.1829 of 2024

Crl.M.P.Nos.15049 & 15051 of 2024
in Crl.R.C.No.1829 of 2024

SUNDER MOHAN, J.

These Criminal Miscellaneous Petitions have been filed by the petitioner, seeking to suspend the sentence imposed on the petitioner/accused in Crl.A.No.107 of 2022 dated 30.08.2024 by the learned Additional District Judge (FTC), Vellore confirming the judgment dated 24.08.2022 in C.C.No.609 of 2017 passed by the learned Judicial Magistrate No.IV, Vellore and enlarge the petitioner on bail pending disposal of the above revision and to exempt the petitioner from surrendering before the Trial court, pending disposal of the above revision.

2.It is the case of the prosecution that the petitioner while driving his Tata Ace vehicle bearing Reg.No.TN-23AE-6271, had reversed the said vehicle in a rash and negligent manner on 23.03.2017 at about 02.30 p.m and dashed against a 1 ½ years old child, as a result of which, the child died on the next day afternoon at 01.15 p.m.

3.The petitioner was convicted by the trial Court for the offence under



Crl.M.P.Nos.15049 & 15051 of 2024 in Crl.R.C.No.1829 of 2024

WEB COPY

Section 304-A of IPC and sentenced to undergo one year Rigorous Imprisonment and to pay fine of Rs.1,000/- in default to undergo Simple Imprisonment for one week. On appeal, the said conviction and sentence was confirmed by the lower Appellate Court.

4.The learned counsel for the petitioner would submit that the judgments of the Courts below had ignored the fact that the child was left unattended in the road; that neither negligence nor rashness can be attributed to the petitioner; that the child died on the next day afternoon; that in any case the offence under Section 304-A IPC is not made out; and prayed for suspension of sentence and exemption for surrender.

5.The learned Government Advocate (Crl. Side) appearing for the respondent Police *per contra* would submit that the eye witnesses have clearly spoken about the incident; that their evidences are cogent and convincing; and that there is no infirmity in the judgments of the Courts below.

6.There is force in the submissions made by the learned counsel for



Crl.M.P.Nos.15049 & 15051 of 2024 in Crl.R.C.No.1829 of 2024

the petitioner, that apart there are other arguable points in the revision which requires consideration. Hence, this Court is inclined to grant the relief of suspension of sentence and to exempt the petitioner from surrender.

7. Accordingly, the suspension of sentence imposed on the petitioner is suspended till the disposal of the revision and the petitioner is exempted from surrendering before the trial Court, on the following conditions:

(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.

SUNDER MOHAN, J.



Crl.M.P.Nos.15049 & 15051 of 2024 in Crl.R.C.No.1829 of 2024

WEB COPY

vv2

8.In the result, the criminal miscellaneous petitions are ordered.

13.11.2024

(2/2)

vv2

Crl.M.P.Nos.15049 & 15051 of 2024
in Crl.R.C.No.1829 of 2024