



WEB COPY



Crl.MP.No.14065 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 09.10.2024

CORAM

THE HONOURABLE MRS. JUSTICE K.GOVINDARAJAN THILAKAVADI

Crl.MP.No.14065 of 2024

in

Crl.RC.No.1707 of 2024

Viji, Male/aged about 32 years
S/o.Rangaraj
No.315, Anna Nagar
Kaniyambodi
Vellore, Vellore District

... Petitioner

Vs.

The State, Rep. by the Inspector of Police
Bagayam Police Station
Vellore District
(Crime No.361/2015)

... Respondent

Prayer: Petition filed under Section 438 (1) r/w.483 of BNSS of 2023, to suspend the sentence passed by the Sessions Division of Vellore District in Crl.A.No.24/2024 dated 24.09.2024, confirming the Judgment and sentence passed by the learned Judicial Magistrate No.I, Vellore, Vellore District in C.C.No.576/2016 dated 09.11.2023 by enlarge the Petitioner on bail, pending disposal of the Criminal Revision.

For Petitioner

: Mr.E.Kannadasan

For Respondent

: Mr.L.Baskaran

Government Advocate (Crl. Side)



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ORDER

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This Petition has been filed to suspend the sentence passed by the learned Principal Sessions Judge, Vellore in C.A.No.24/2024 dated 24.09.2024, confirming the Judgment and sentence passed by the learned Judicial Magistrate No.I, Vellore, Vellore District in C.C.No.576/2016 dated 09.11.2023 by enlarge the Petitioner on bail, pending disposal of the Criminal Revision. .

2.The Petitioner, who is sole accused in C.C.No.576 of 2016, before the learned Judicial Magistrate No.I, Vellore, was convicted and sentenced for the offence u/s.279 of IPC to pay a fine of Rs.1,000/- in default to pay the fine amount to undergo SI for 1 month, 338 of IPC to pay a fine of Rs.1,000/- in default to pay the fine amount to undergo SI for 1 month and 304(A) of IPC to undergo SI for one year with fine of Rs.5,000/- in default to pay the fine amount to undergo SI for three months.

3.The above conviction and sentence imposed by the learned Judicial Magistrate No.I, Vellore was confirmed by the learned Principal Sessions Judge, Vellore in C.A.No.24 of 2024 on 24.09.2024.

4.The learned counsel for the Petitioner would submit that both the



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Courts below failed to consider the fact that the occurrence witnesses PW8, who drove the two wheeler bearing Reg.No.TN 23 CA 1288, did not possess any valid driving license at the time of the accident, which was admitted by her in the cross examination. The learned counsel would further submit that PW8 had categorically admitted that she suddenly crossed the road without noticing the vehicles on the road. Hence he would pray for suspension of sentence.

5.The learned Government Advocate (Crl. Side) has raised objections for suspending the sentence on the ground that there is concurrent finding.

6.After perusing the available records and also taking into consideration the submissions made by the learned counsel for the Petitioner, I find that there are arguable points available in the Revision and hence, I am inclined to grant interim suspension of sentence of imprisonment alone on the following conditions:

- i. The Petitioner shall execute separate 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 learned Judicial Magistrate No.I, Vellore, within a period of fifteen days from the date of receipt of a copy of this order.



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ii. The Petitioner shall report before the said Court on the first

WEB COPY working day of every English Calendar month at 10.30 a.m.

09.10.2024

(2/2)

sai

To

The Superintendent,
Central Prison,
Vellore.



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K.GOVINDARAJAN THILAKAVADI, J.

sai

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