



Crl.M.P.No.14654 of 2024
in
Crl.R.C.No.1781 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.14654 of 2024
in Crl.R.C.No.1781 of 2024

Balaji

... Petitioner/Appellant/Accused

Vs.

State Rep. by
Inspector of Police,
Palaiyur Police Station,
Crime No.43 of 2018

...Respondent/Respondent/Complainant

PRAYER: Criminal Miscellaneous Petition filed under Section 430 of the BNSS, to suspend the sentence imposed on the revision petitioner/accused in C.C.No.149 of 2018 dated 20.11.2023 on the file of the learned Judicial Magistrate Court No.2, Mayiladuthurai and confirmed in Crl.A.No.24 of 2023 dated 01.07.2024 by the learned District Judge, Mayiladuthurai and enlarge the petitioner on bail.

For Petitioner : Mr.R.Sivakumar
for K.M.Vijayan Associates

For Respondent : Ms.V.J.Priyadarsana
Government Advocate (Crl.Side)



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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking to suspend the sentence imposed on the revision petitioner/accused in C.C.No.149 of 2018 dated 20.11.2023 on the file of the learned Judicial Magistrate No. 2, Mayiladuthurai and confirmed in Crl.A.No.24 of 2023 dated 01.07.2024 by the learned District Judge, Mayiladuthurai and enlarge the petitioner on bail, pending disposal of the above revision.

2. The case of the prosecution is that on 05.03.2018, at about 1.00 p.m., the petitioner/appellant/accused had ridden his two-wheeler bearing Reg. No. TN 21A 8787 HERO HONDA CD 100 SS in a rash and negligent manner on the Kumbakonam to Karaikal Main road and dashed against the deceased, causing fatal injuries to her. Hence the complaint.

3. On the complaint given by the eye-witness, a case was registered for the offences under Sections 279 and 337 @ 304A of the IPC against the petitioner/appellant/accused.



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4. The learned counsel for the petitioner/appellant/accused would submit that the evidence would suggest that the deceased had not crossed the road in the designated pedestrian crossing; and that no rashness or negligence could be attributed to the petitioner; and that there are several arguable points in the above revision case, which requires consideration; and that the petitioner had surrendered pursuant to the Appellate Court Judgement on 14.11.2024 and hence prayed for granting suspension of sentence to the petitioner.

5. Heard the learned Government Advocate (Crl.Side) for the respondent, who opposed the grant of suspension of sentence to the petitioner.

6. Considering, the submissions made by the petitioner that the place where the deceased crossed the road was not designated for pedestrian crossing; that there are other arguable points in the revision; and that the petitioner had surrendered on 14.11.2024, this Court is inclined to grant the relief of suspension of the sentence imposed on the petitioner on the following conditions till the disposal of the above Criminal Revision:



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(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 learned Judicial Magistrate No.2, Mayiladuthurai;

(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) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity; and

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

7. Accordingly, this Criminal Miscellaneous Petition is ordered.



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Note: Issue order copy on 25.11.2024

To

- 1.The Judicial Magistrate No.II,
Mayiladuthurai.
- 2.The District Judge, Mayiladuthurai
- 3.The Superintendent of Prison,
Central Prison, Trichy.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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