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*Crl.M.P.Nos.15450 & 15453 of 2024
in Crl.R.C.No.1882 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.298 of 2017 dated 20.02.2024 by the learned Judicial Magistrate No.III, Vellore and confirmed by the learned District & Sessions Judge, Vellore in C.A.No.17 of 2024 on 31.07.2024 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. The case of the prosecution is that the petitioner had driven his car in a rash and negligent manner and dashed against a girl child aged about 6 years and caused fatal injuries to her.

3. The learned counsel for petitioner would submit that the evidence of eye-witness are contradictory in nature and the evidence would suggest that the minor girl had suddenly crossed the road and therefore negligence cannot



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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, opposed the application for suspension of sentence.

5. Heard both sides and perused the records.

6. This Court, on perusal of record find that there is contradiction in the evidence of eye-witness and it is seen that the victim was a minor and the question as to whether the petitioner was guilty of rash and negligent driving has to be examined in the revision.

7. Considering the above, this Court is inclined to suspend the 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:



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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 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.

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SUNDER MOHAN, J.

rgr

To

- 1.The Judicial Magistrate No.III,
Vellore.
- 2.The District & Sessions Judge,
Vellore.
- 3.The Public Prosecutor,
High Court, Madras.

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