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*Crl.M.P.Nos.15755 & 15757 of 2024
in Crl.R.C.No.1926 of 2024*

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SUNDER MOHAN, J.

These Criminal Miscellaneous Petitions have been filed seeking to suspend the sentence imposed on the revision petitioner/accused in C.C.No.116 of 2019 dated 08.09.2023 by the learned District Munsif cum Judicial Magistrate, Tharangambadi and confirmed by the learned District Judge, Mayiladuthurai in Crl.A.No.18 of 2023 on 06.08.2024 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 on 04.06.2018, at about 8.30 a.m., while the deceased was proceeding in his motorcycle, the petitioner drove his Mahindra Bolero Pick-up Van bearing Regn.No.TN82 A 0576 in a rash and negligent manner and hit the motorcycle, as a result of which the rider of the two-wheeler sustained fatal injuries.



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3. The learned counsel appearing for the petitioner would submit that the evidence of eye-witness and the other evidence on record would show that the respondent had not established either rashness or negligence on the part of the petitioner; that the report of the motor vehicle inspector in respect of the two vehicles viz. Exs.A7 & A8 would show that in the vehicle of the petitioner, there was a damage in the right rear view mirror in the vehicle and as regards the vehicle of the deceased, there was five types of damages and therefore the prosecution case cannot be accepted.

4. The learned Government Advocate (crl.side), per contra submitted that the prosecution had established its case beyond reasonable doubt and that there is no infirmity in the judgment of the courts below and prayed for dismissal of the petition.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (crl.side) appearing for the respondent and perused the materials on record.



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6. Considering the submissions made by the learned counsel for the petitioner and that there are arguable points in the revision, this court is inclined to suspend the sentence imposed on the petitioner by the trial court, subject to 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.

7. Accordingly, these Criminal Miscellaneous Petitions are ordered.

13.11.2024
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To

1.The District Munsif cum Judicial Magistrate,
Tharangambadi

2.The District Judge,
Mayiladuthurai.

3.The Public Prosecutor,
High Court, Madras.

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