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CrI.M.P.No.15162 of 2024 in CrI.R.C.No.1846 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.M.P.No.15162 of 2024
in CrI.R.C.No.1846 of 2024

E.Bhagawan

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Thiruvallam Police Station, Vellore District.
(Cr.No.328/2017)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Code of Criminal Procedure/430(1) of BNSS, to suspend the sentence imposed on the petitioner in C.A.No.30 of 2024 on the file of the Sessions Division of Vellore, Principal Sessions Judge, Vellore, dated 13.09.2024 confirming the judgment passed in C.C.No.211 of 2021 on the file of the Judicial Magistrate Court, Katpadi, dated 10.04.2024 and enlarge the petitioner on bail.

For Petitioner : Mr.B.Gopalakrishnan

For Respondent : Mr.V.J.Priyadarsana

Government Advocate (CrI. Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence of imprisonment imposed on the petitioner by the learned Principal Sessions Judge, Vellore in CrI.A.No.30 of 2024 *vide* judgment,



dated 13.09.2024 confirming the judgment of the learned Judicial Magistrate, Katpadi in C.C.No.211 of 2021, dated 10.04.2024. The petitioner was convicted and sentenced as follows:

Convicted for offence under Section	Sentence imposed
279 IPC	To pay a fine of Rs.1,000/- in default to undergo simple imprisonment for one week.
304 (A) IPC	To undergo SI for six months with fine of Rs.5,000/- in default to undergo SI for one week.

2. The learned counsel for the petitioner submits that the evidence of the eyewitnesses are contradictory and inherently improbably and there are arguable points in the revision. Hence, he prays for suspension of sentence to the petitioner

3. Mr.V.J.Priyadarsana, learned Government Advocate (Criminal Side), who takes notice on behalf of the respondent opposed the grant of suspension of sentence to the petitioner.

4.This Court finds force in the submission of the learned counsel for the petitioner that there are arguable points in the above revision as there are contradictions in the evidence of eyewitnesses as regards the manner of the accident. The petitioner is in custody from 04.10.2024.



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5. In view of the above, this Court is inclined to grant suspension of sentence till the disposal of the present criminal revision case. Accordingly, the Substantive Sentence of Imprisonment imposed on the petitioner is suspended till the disposal of the revision and he 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 likesum to the satisfaction of the Trial Court.

6. Further, the petitioner shall appear before the Trial Court on the first working day of every English calendar month at 10.30 a.m till the disposal of the present criminal revision case and if he is not able to appear before the trial Court on that day, he shall make arrangement 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. Accordingly, this Miscellaneous Petition is ordered.

04.11.2024
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To

1. The Principal Sessions Judge,
Vellore.

2. The Judicial Magistrate,
Katpadi.

3. The Inspector of Police,
Thiruvalam Police Station,
Vellore District.

4. The Central Prison,
Vellore.

5. The Public Prosecutor,
Madras High Court.



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SUNDER MOHAN, J.

ars

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04.11.2024

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