



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.MP.Nos.1220 & 3117 of 2024
and Crl.RC No.143 of 2024

Shankar

... petitioner

-Vs-

The Inspector of Police,
N1 Traffic Investigation Wing,
Royapuram Range Police Station,
Chennai-13.
Cr.No.17 of 2022

... Respondent

Prayer in Crl.MP.No.1220 of 2024: Criminal miscellaneous petition has filed under Sections 389 (i) & 439 of the Criminal Procedure Code, to suspend the sentence imposed by the passed on 19.10.2023 in Crl.A.No.274 of 2023 on the file of the XXI Additional Sessions Judge, Chennai by confirming the Judgment of the III Metropolitan Magistrate, George Town, chennai passed in CC.No.752 of 2022 on 13.04.2023 and enlarge him on bail.

Prayer in Crl.MP.No.3117 of 2024: Criminal miscellaneous petition has filed under Sections 482 of the Criminal Procedure Code, to exemption from surrendering before the trial Court in pursuance to the judgment in Crl.Appeal No.274 of 2023 dated 19.10.2023 by the XXI Additional Sessions Judge, Chennai by confirming the Judgment of the III Metropolitan Magistrate, George Town, chennai passed in CC.No.752 of 2022 on 13.04.2023 and enlarge him on bail.

For petitioner : Mr.S.Senthilvel



For Respondent : Mr.A.Gopinath, GA (Crl. Side)

ORDER

WEB COPY

The Criminal Revision has been filed against the judgment in Crl.Appeal No.274 of 2023 dated 19.10.2023 by the XXI Additional Sessions Judge, Chennai by confirming the Judgment of the III Metropolitan Magistrate, George Town, Chennai passed in CC.No.752 of 2022 on 13.04.2023. The petitioner was convicted for an offence Under Section 3 read with 180 MV Act and under Section 379, 304 (A) of IPC, 3 read with 180 MV Act and sentenced the petitioner to undergo six months for offence under Section 304 A and imposed a fine of Rs.2,000/- imposed a fine of Rs.1000/- each for offence under Section 279 and 338 of IPC. Imposed a fine of Rs.5000/- for offence under Section 3 read with 180 MV Act. Challenging the said judgement, the petitioner has filed the above revision and miscellaneous petition seeking suspension of sentence of imprisonment.

2. The learned counsel for the petitioner submitted that the petitioner is ready to pay a sum of Rs.2,00,000/- to the victim. The learned counsel prays to suspend the sentence imposed on the petitioner.

3. The learned Government Advocate submitted that the Court below has appreciated the entire evidence and has given elaborate reasons for convicting and sentencing the petitioner.



WEB COPY



4. This Court carefully considered the submissions made on either side.

5. Considering the facts and circumstances of the case and in view of the fact that there are arguable points which require a consideration in the appeal, this Court is inclined to suspend the sentence imposed by the Court below.

6. The sentence imposed by the Court below vide Judgment made in CrI.A.No.274 of 2023 dated 19.10.2023 on the file of learned XXI Additional Sessions Judge, Chennai is hereby suspended, on condition that the petitioner is directed to deposit Rs.2,00,000/- in credit of C.C.No.752 of 2022 on the file of the learned III Metropolitan Magistrate within a period of eight weeks from the date of receipt of copy of this order and 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 III Metropolitan Magistrate, George Town, Chennai and to appear before the learned III Metropolitan Magistrate, George Town, Chennai on the first working day of every week at 10.30 a.m., until further orders.



WEB COPY



7. Accordingly, CrI.MP.No.1220 of 2024 is ordered. However, this Court is not inclined to dismiss CrI.MP.No.3117 of 2024 and the same is dismissed.

03.07.2024

rli

Note: Issue order copy on 04.07.2024

To

1. The III Metropolitan Magistrate, George Town, Chennai.
2. The XXI Additional Sessions Judge, Chennai
3. The The Inspector of Police,
N1 Traffic Investigation Wing,
Royapuram Range Police Station,
Chennai-13.
4. The Public Prosecutor,
High Court, Madras.
5. The Superintendent
Central Prison, Puzhal, Chennai.

M.DHANDAPANI.,J
rli



WEB COPY



Crl.MP.Nos.1220 & 3117 of 2024
and Crl.RC No.143 of 2024

03.07.2024