



Crl.M.P.No.16544 of 2024 in Crl.R.C.No.2062 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2024

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.16544 of 2024
in Crl.R.C.No.2062 of 2024

Ramakrishnan

... Petitioner/accused

Vs.

State of Rep. by its
The Inspector of Police,
Ammappettai Police Station,
Salem District.
(Crime No.1111 of 2020)

... Respondent/complainant

PRAYER: Criminal Miscellaneous Petition filed under Section 430 (1) of BNSS, to suspend the sentence imposed in Crl.A.No.3 of 2024 dated 26.06.2024 on the file of the learned Principal District and Sessions Judge, Salem, by confirming the Judgment dated 07.12.2023 passed in C.C.No.173 of 2021 by the learned Chief Judicial Magistrate, Salem till the disposal of above Criminal Revision Revision.

For Petitioner : Mr.Swami Subramanian

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition has been filed seeking to



suspend the sentence imposed on the petitioner/accused by judgment dated 07.12.2023 passed in C.C.No.173 of 2021 by the learned Chief Judicial Magistrate, Salem, confirmed by judgment dated 26.06.2024 in C.A.No.3 of 2024 by the learned Principal District and Sessions Judge, Salem, pending disposal of the Criminal Revision Case.

2.It is the case of the prosecution that the petitioner in an inebriated condition drove his two wheeler in a rash and negligent manner and dashed against the vehicle which was ridden by the deceased, as a result of which, the deceased sustained fatal injuries.

3.The trial Court convicted and sentenced the petitioner as follows:

Offence under Section	Sentence imposed
279 of IPC	To undergo SI for three months and to pay a fine of Rs.1,000/- in default to undergo SI for one week.
304 (A) of IPC	To undergo SI for eighteen months and to pay a fine of Rs.5,000/- in default to undergo SI for two weeks.
185 of MV Act	To pay a fine of Rs.5,000/-, in default to undergo SI for two weeks.
The sentences were ordered to run concurrently.	

On appeal, the appellate Court had confirmed the above sentence.



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4. Heard Mr.Swami Subramanian, learned counsel for the petitioner and Mr.S.Udaya Kumar, learned Government Advocate (Crl. Side) appearing for the respondent/State.

5. The learned counsel appearing for the petitioner would submit that the entire case is false; that the accident took place only because the deceased fell off the vehicle when he crossed a speed breaker and the eyewitnesses cannot be believed; that there is no evidence to establish that the deceased was in an inebriated condition; that though the doctors were examined, the copy of the Accident Register and the Postmortem Certificate were marked through the Investigating Officer and the petitioner did not get an opportunity to cross-examine the doctor; that the petitioner had surrendered on 04.12.2024; and hence, prayed for suspension of sentence.

6. The learned Government Advocate (Crl. Side) *per contra* would submit that Court below had convicted the petitioner on the basis of the



evidence and the petitioner has not made out a ground for suspension of sentence.

7. This Court is of the view that the points raised by the learned counsel for the petitioner require consideration. The petitioner has surrendered pursuant to the judgment of the appellate Court on 04.12.2024.

8.Considering the fact that the petitioner has raised substantial grounds and there are arguable points in the revision which is not likely to be taken up in the near future and also the fact that the petitioner has surrendered, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

9.Accordingly, this criminal miscellaneous petition stands allowed and the sentence imposed on the petitioner is suspended and the petitioner is ordered to be released on bail on the following conditions:

(i)The petitioner 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 Chief



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Judicial Magistrate, Salem;

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(ii)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

(iii)The petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m until further orders and if he is not able to appear before the trial Court on any 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.

06.12.2024

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Note to office:

Issue order copy by 09.12.2024

Upload the order copy forthwith.



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SUNDER MOHAN, J.

ars

To

1. The Principal District and Sessions Judge,
Salem.
2. The Chief Judicial Magistrate,
Salem.
3. The Inspector of Police,
Ammapettai Police Station,
Salem District.
4. The Superintendent of Prisons,
Central Prison, Salem.
5. The Public Prosecutor,
Madras High Court.

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