



CrI.M.P.No.17232 of 2024
in CrI.R.C.No.2190 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.M.P.No.17232 of 2024
in CrI.R.C.No.2190 of 2024

Anandha Babu

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
M-4 Thudiyalur Police Station,
Coimbatore,
Crime No.379 of 2016.

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Sections 430(1) and (2) of BNSS, 2023, to suspend the sentence imposed on the petitioner in CrI.A.No.72 of 2023 on the file of the learned IV Additional District and Sessions Judge, Coimbatore confirmed by judgment dated 20.09.2024 as well as in C.C.No.810 of 2016 on the file of the learned Judicial Magistrate No.I, Coimbatore by judgment dated 23.02.2023.

For Petitioner : Mr.V.Sivakumar

For Respondent : Mr.S.Udayakumar
Government Advocate (CrI. Side)

ORDER



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This Criminal Miscellaneous Petition has been filed by the petitioner, seeking to suspend the sentence imposed on the petitioner/accused in Crl.A.No.72 of 2023 dated 20.09.2024 by the learned IV Additional District and Sessions Judge, Coimbatore confirming the judgment dated 23.02.2023 in C.C.No.810 of 2016 passed by the learned Judicial Magistrate No.I, Coimbatore and enlarge the petitioner on bail pending disposal of the above revision, pending disposal of the above revision.

2.It is the case of the prosecution that on 27.04.2016 at about 13.15 hours, the accused drove his TATA ACE vehicle from east to west in a rash and negligent manner and turned to the right without any indication and dashed against an Auto in which the deceased travelled which came from South to North.

3.The petitioner was convicted and sentenced to pay a fine of Rs.1,000, in default to undergo one week simple imprisonment for the offence under Section 279 IPC, to pay a sum of Rs.500/-, in default to



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undergo one week simple imprisonment for the offence under Section 337 IPC and to undergo one year simple imprisonment and to pay a fine of Rs.2,000/-, in default to undergo one month simple imprisonment for the offence under Section 304(A) IPC. Challenging the judgment of the Trial Court, the petitioner preferred an appeal before the Lower Appellate Court and the same was dismissed by confirming the judgment of the Trial Court.

4.The learned counsel for the petitioner would submit that the judgment of the Courts below are erroneous and had not considered the evidence in the proper perspective and the evidence of P.W.1 who admitted that he was not aware of the incident; that there are several arguable points in the above revision which requires consideration and that the petitioner surrendered before the Trial Court on 09.12.2024. Hence prayed for suspension of sentence.

5.Heard the learned Government Advocate (Crl. Side) who confirmed the fact that the petitioner had surrendered before the Trial Court on 09.12.2024 and now he is confined in Central Prison, Coimbatore.



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6.Considering the submissions made by the learned counsel for the petitioner; that there are several arguable points in the above revision which requires consideration and the revision is not likely to be taken in the near future, this Court is inclined to grant the relief of suspension of sentence.

7.Accordingly, this criminal miscellaneous petition stands allowed and the sentence imposed on the petitioner, is suspended till the disposal of the criminal revision and he 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 Trial Court;

(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;

(iii)The petitioner shall appear before the Trial Court on the first



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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.

12.12.2024

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To

- 1.The IV Additional District and Sessions Judge,
Coimbatore.
- 2.The Judicial Magistrate No.I,
Coimbatore.
- 2.The Inspector of Police,
M-4 Thudiyalur Police Station,
Coimbatore,
- 3.The Superintendent,
Central Prison,
Coimbatore.
- 4.The Public Prosecutor,
Madras High Court.



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SUNDER MOHAN, J.

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