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Crl.M.P.No.17198 of 2024
in Crl.R.C.No.1814 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.17198 of 2024

in

Crl.R.C.No.1814 of 2024

Haridass

... Petitioner

Vs.

State rep. By
The Inspector of Police,
Anamalai Police Station,
Pollachi, Coimbatore District.
Crime No.206 of 2015

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 397(1) of Cr.P.C. to suspend the sentence imposed on the petitioner in Crl.A.No.122 of 2019 dated 31.10.2019 on the file of the learned I Additional District and Sessions Judge, Coimbatore confirming the judgment dated 02.03.2019 in C.C.No.119 of 2016 on the file of the learned Judicial Magistrate No.I, Pollachi.



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For Petitioner : Ms.Pooja Pradeep
For Respondent : Mr.S.Udayakumar
Government Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking to suspend the sentence imposed on the petitioner/accused in Crl.A.No.122 of 2019 dated 31.10.2019 by the learned I Additional District and Sessions Judge, Coimbatore confirming the judgment dated 02.03.2019 in C.C.No.119 of 2016 passed by the learned Judicial Magistrate No.I, Pollachi 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 the petitioner had driven his Omni bus bearing registration No.KL-08-AB-4050 in a rash and negligent manner and dashed against the two wheeler ridden by the deceased and caused his death.



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3.The petitioner was convicted and sentenced to undergo one year simple imprisonment and to pay a fine of Rs.5,000/-, in default to undergo two months 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 evidence of eye witnesses cannot be believed and that the rough sketch and the other evidences adduced by the prosecution would falsify the prosecution case; that the petitioner surrendered on 16.12.2024 and that there are arguable points in the above revision. Hence prayed for suspension of sentence.

5.Heard the learned Government Advocate (Crl. SidE) who confirms the fact that the petitioner was surrendered on 16.12.2024 and now he is in confined in Central Prison, Coimbatore.



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6.Considering the above facts, the submission of the learned counsel for the petitioner that there are several arguable points in the above revision which requires consideration and since 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 learned Judicial Magistrate No.I, Pollachi;

(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.

18.12.2024
(2/3)

cse

Note: Issue order copy on 19.12.2024

To

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



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SUNDER MOHAN, J.

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