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Crl.M.P.No.17980 of 2024
in Crl.R.C.No.2324 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.17980 of 2024

in

Crl.R.C.No.2324 of 2024

Ramkumar

... Petitioner

Vs.

State rep. By
The Inspector of Police,
M4, Thudiyalur Police Station,
Coimbatore.

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 438(1) of BNSS, 2023, to suspend the sentence imposed on the petitioner in Crl.A.No.105 of 2023 dated 25.03.2024 on the file of the learned I Additional District and Sessions Judge, Coimbatore confirmed by judgment dated 28.02.2023 as well as in C.C.No.255 of 2016 on the file of the learned Judicial Magistrate No.I, Coimbatore.



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For Petitioner : Mr.G.Pandiyar
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.105 of 2023 dated 25.03.2024 by the learned I Additional District and Sessions Judge, Coimbatore confirming the judgment dated 28.02.2023 in C.C.No.255 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 the petitioner on 18.10.2015 at about 8.00 p.m. drove his car bearing registration No.TN-38-BC-8519 in a rash and negligent manner and dashed against the two wheeler ridden by the deceased who came in the opposite direction and caused fatal injuries to the deceased.



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3.The petitioner was convicted and sentenced to pay a fine of Rs.1,000/- for the offence under Section 279 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 submitted that the petitioner has raised substantial grounds in the above revision; that the evidence of eye witnesses cannot be believed; that it was the deceased who was guilty of rash and negligent riding and that the petitioner is in custody from 12.11.2024. Hence prayed for suspension of sentence.

5.Heard the learned Government Advocate (Crl. Side) who confirms the fact that the petitioner was arrested on 12.11.2024 and he is in custody.



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6.Hence, 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 that the revision is not likely to be taken in the near future and the period of incarceration, 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, Coimbatore;

(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.

17.12.2024

cse

To

- 1.The I Additional District and Sessions Judge,
Coimbatore.
- 2.The Judicial Magistrate No.I,
Coimbatore.
- 3.The Inspector of Police,
M4, Thudiyalur Police Station,
Coimbatore.
- 4.The Superintendent,
Central Prison,
Coimbatore.
- 5.The Public Prosecutor,
Madras High Court.



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SUNDER MOHAN, J.

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