



CRL MP(MD) No.519 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Nineteenth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL MP(MD) No.519 of 2024

in

CRL RC(MD)No.41 of 2024

GANESAN

... PETITIONER/PETITIONER

Vs

THE INSPECTOR OF POLICE
MAYANOR POLICE STATION,
KARUR DISTRICT.

(CRIME NO.326/2018).

... RESPONDENT/RESPONDENT

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed as against the petitioner by the learned DM cum JM, Krishnarayapuram in CC No.143/2021 on 13/6/2022 as confirmed by Learned Principal District and Session judge, Karur in Crl.A.No.72/2022, dated 13/4/2022, and enlarge the petition on bail, pending disposal of the Criminal Revision Petition.

Prayer in CRL RC(MD). 41/ 2024 :

To call for the records pertaining to the impugned Judgment passed by the Learned Principal District and Session judge, Karur in Crl.A.No.72/2022, dt.13/4/2023 confirming the Judgment passed by the learned DM cum JM, Krishnarayapuram in CC No.143/21, dated 13.06.2022, set aside the same and allow this Criminal Revision Case.



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Order : This Criminal Miscellaneous Petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.V.BALAJI, Advocate for the petitioner and of Mr.A.THIRUVADIKUMAR, Additional Public Prosecutor on behalf of the Respondent while admitting the Criminal Revision Petition., the Court made the following order:-

The petitioner has filed this Criminal Miscellaneous Petition praying to suspend the sentence passed against him by the learned District Munsif-cum-Judicial Magistrate, Krishnarayapuram, in C.C.No.143 of 2021 dated 13.06.2022 as confirmed by the learned Principal District and Sessions Judge, Karur, in Criminal Appeal No.72 of 2022 on 13.04.2023 and to enlarge him on bail, pending disposal of the Criminal Revision Petition.

2. It is submitted by the learned counsel for the petitioner that a case has been registered against the petitioner in Crime No.326 of 2018 on the file of the respondent/Inspector of Police, Mayanoor Police Station, for the offences punishable under Sections 279 and 304(A) of IPC and the same was taken on file in C.C.No.143 of 2021 before the learned District Munsif-cum-Judicial Magistrate, Krishnarayapuram. The petitioner was convicted and sentenced to undergo six months imprisonment and a fine of Rs.1,000/- with three months imprisonment in case of default under Section 279 of IPC and to undergo 24 months imprisonment and a fine of Rs.9,000/- with three months imprisonment in case of default under Section 304(A) of IPC. Challenging the above said conviction and sentence, the



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petitioner has preferred the Criminal Appeal before the learned Principal District and Sessions Judge, Karur, in Crl.A.No.72 of 2022 and the same was also dismissed on 13.04.2023. Challenging the concurrent findings of the Courts below, the petitioner has preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence. Learned counsel for the petitioner further submitted that the prosecution failed to prove the allegation levelled against him and corroborate the evidence of prosecution witnesses and accordingly, the learned counsel prays for suspension of sentence.

3. Per contra, Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor submitted that the accused drove the vehicle in a rash and negligent manner and dashed against the deceased and caused her death. Considering the gravity of offence committed, both the Courts below have found him guilty and he opposed for allowing this petition.

4. Heard the learned counsel on either side and perused the materials available on record.

5. Considering the arguable points of the petitioner and the facts and circumstances of the case, this Court is of the *prima facie* view that the sentence is to be suspended pending this Revision Case.

6. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence



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imposed by the learned Principal District and Sessions Judge, Karur, in Crl.A.No.72

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of 2022 dated 13.04.2023 alone is suspended subject to the following conditions:-

i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Principal District and Sessions Judge, Karur.

ii) The petitioner shall appear and sign before the learned Principal District and Sessions Judge, Karur, on the first working day of every English calender month at 10.30 a.m., until further orders.

iii) In case, if the petitioner is unable to appear before the Court on the first working day of a month, he shall appear on the next working day.

iv) The petitioner shall furnish his residential address and mobile number to the Trial Court ie., learned Principal District and Sessions Judge, Karur.

7. Subject to the above conditions, this Criminal Miscellaneous Petition is allowed.

sd/-
19/01/2024

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/01/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

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1 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, KARUR

2 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, KRISHNARAYAPURAM.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KARUR DISTRICT.

4 THE INSPECTOR OF POLICE
MAYANOR POLICE STATION, KARUR DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE SECTION OFFICER,
CRIMINAL SECTION,(RECORDS)
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.V.BALAJI, Advocate (SR-856[I] dated 22/01/2024)

ORDER

IN

CRL MP(MD) No.519 of 2024

in

CRL RC(MD)No.41 of 2024

Date :19/01/2024

(1/2)

SS/JGB/SAR- /24/01/2024/5P/8C

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