



CRL MP(MD) No.431 of 2024

WEB COPY

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

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

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.431 of 2024

in

CRL RC(MD) No.34 of 2024

GOVINDARAJ

... PETITIONER/PETITIONER

Vs

THE INSPECTOR OF POLICE
ILAYANKUDI POLICE STATION,
SIVAGANGAI DISTRICT.
CRIME NO.221 OF 2016.

... 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 on the Petitioner vide Judgment dt.18.12.2023 made in CA.No.45 of 2023 on the file of the Learned Additional District and Sessions Court,Sivagangai,confirming the Judgment dt.11.4.2023 made in CC.No.236 of 2017 on the file of the Learned District Munsif cum Judicial Magistrate, Ilayankudi, pending disposal of the above criminal appeal.

Prayer in CRL RC(MD). 34/ 2024 :

To call for the records, relating to the Judgment dt.18.12.2023 made in CA.No.45 of 2023 on the file of the Learned Additional District and Sessions Court, Sivagangai, Confirming the Judgment dt.11.4.2023 made in CC.No.236 of 2017 on the file of the Learned District Munsif cum Judicial Magistrate, Ilayankudi and to set aside the same and consequently to acquit the petitioner.



CRL MP(MD) No.431 of 2024

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 M/S.JEYAKARTHIK.M.S, Advocate for the petitioner and of MR.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondent, while admitting the Criminal Revision Case, 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 Additional District and Sessions Judge, Sivagangai, in CrI.A.No.45 of 2023 dated 18.12.2023 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.221 of 2016 on the file of the respondent/Inspector of Police, Ilayankudi Police Station, for the offences punishable under Sections 279, 337 and 304(A) of IPC and the same was taken on file in C.C.No.236 of 2017 before the learned District Munsif-cum-Judicial Magistrate, Ilayankudi. The petitioner was convicted and sentenced to undergo three months simple imprisonment under Section 279 of IPC and to undergo one year simple imprisonment under Section 337 of IPC and to undergo one year simple imprisonment and a fine of Rs.3,000/- with three months simple imprisonment in case of default under Section 304(A) of IPC. Challenging the above said conviction and sentence, the petitioner has preferred the Criminal Appeal before the learned Additional District and Sessions Judge, Sivagangai, in CrI.A.No.45 of 2023 and the



CRL MP(MD) No.431 of 2024

same was also dismissed on 18.12.2023. 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.

3. Learned counsel for the petitioner further submitted that the prosecution has failed to prove the allegation levelled against the petitioner and to corroborate the evidence of prosecution witnesses and therefore, prayed for suspension of sentence.

4. 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 his death. Considering the gravity of offence committed, both the Courts below have found him guilty and hence, opposed for allowing this petition.

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

6. 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.

7. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned Additional District and Sessions Judge, Sivagangai, in Crl.A.No.45 of 2023 dated 18.12.2023 alone is suspended, subject to the following



CRL MP(MD) No.431 of 2024

conditions:-

WEB COPY

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 Additional District and Sessions Judge, Sivagangai.

ii) The petitioner shall appear and sign before the learned Additional District and Sessions Judge, Sivagangai, on the first working day of every English calendar 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 Additional District and Sessions Judge, Sivagangai.

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

sd/-

12/01/2024

/ TRUE COPY /

/01/2024

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

RM



CRL MP(MD) No.431 of 2024

TO

WEB COPY

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE, SIVAGANGAI.

2 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, ILAYANKUDI.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.

4 THE INSPECTOR OF POLICE, ILAYANKUDI POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-734[I] dated 12/01/2024)

ORDER IN
CRL MP(MD) No.431 of 2024
in
CRL RC(MD) No.34 of 2024
Date :12/01/2024

RS/VR/SAR-(23.01.2024) 5P 7C

Madurai Bench of Madras High Court is issuing
certified copies in this format from 17/07/2023