



CRL MP(MD) No.1131 of 2024

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

Monday, the Fifth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.1131 of 2024

in

CRL RC(MD) No.91 of 2024

MUTHUSAMY

... Petitioner / Appellant / Sole Accused

Vs

THE INSPECTOR OF POLICE
MUSIRI POLICE STATION,
TRICHY DISTRICT.
(CRIME NO.234 OF 2018)

... Respondent / Respondent / Complainant

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 by the Learned III-Additional District and Sessions Court,Trichy in Crl.A.No.95 of 2022 by the Judgment dt.15.12.2023 confirming the judgment of conviction by the Learned Principal Assistant Sessions Court,Trichy in SC No.61 of 2019 by dated 29.08.2022, pending disposal of the criminal revision.

Prayer in CRL RC(MD). 91/ 2024 :

To call for the records of the Judgment dt.15.12.2023 passed in CA.No.95 of 2022 on the file of the Learned III-Additional District and Sessions Court,Trichy confirming the judgment passed in SC.No.61 of 2019 dt.19.8.2022 on the file of the learned Principal Assistant Sessions Court, Trichy and set aside the same by allowing this revision petition.



CRL MP(MD) No.1131 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 Mr.M.SUBASH BABU, Senior Counsel for M/S.SUBASH LAW OFFICE, 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:-

This Criminal Miscellaneous Petition has been filed to suspend the sentence passed in Crl.A.No.95 of 2022, dated 15.12.2023, on the file of the III Additional District and Sessions Court, Trichy, and to enlarge the petitioner on bail, till the disposal of this Criminal Appeal.

2. The learned counsel for the petitioner would submit that the petitioner was convicted by the III Additional District and Sessions Court, Trichy, for the offences punishable under Sections 279, 338 and 304 (ii) of IPC and sentenced him to undergo 6 months Rigorous Imprisonment for the offence under Section 279 of IPC and to pay a fine of Rs.1000/- in default to undergo 1 month Simple Imprisonment and to undergo 1 year Rigorous Imprisonment for the offence under Section 338 of IPC along with a fine of Rs.1000/- in default to undergo 3 months Simple Imprisonment and insofar as Section 304 (ii) of IPC is concerned, the appellant Court confirmed the punishment and sentenced to undergo 7 years Rigorous Imprisonment along with a fine amount of Rs.10,000/- in default to undergo 1 year Simple Imprisonment. Aggrieved against the same, the petitioner filed the present revision along with the



CRL MP(MD) No.1131 of 2024

suspension of sentence petition.

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3. The learned counsel for the petitioner submitted that the Medical Officer has not given any evidence or document to substantiate the fact that the petitioner was in an inebriated state at the scene of occurrence. Furthermore, the P.W.2 to P.W.4 have not deposed that the petitioner drove the vehicle under influence of alcohol. He further submitted that the Court below failed to appreciate the fact that the prosecution has not examined the independent witnesses even though there are many people gathered at the time of occurrence and hence, the learned counsel prays for grant of suspension of sentence to the petitioner.

4. Per contra, Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor would submit that there are enough materials available on record against the petitioner and hence, opposed for allowing the petition.

5. Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent 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 Appeal.

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



CRL MP(MD) No.1131 of 2024

imposed by the learned III Additional District and Sessions Judge, Trichy, in

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CrI.A.No.95 of 2022 dated 15.12.2023 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 III Additional District and Sessions Judge, Trichy;

ii) The petitioner shall appear and sign before the learned III Additional District and Sessions Judge, Trichy, 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 appellant Court i.e., the learned III Additional District and Sessions Judge, Trichy.

v) On breach of any of the aforesaid conditions, the learned III Additional District and Sessions Judge, Trichy, is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the appellant released on bail by the



CRL MP(MD) No.1131 of 2024

learned Additional District Judge/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560]; and

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A of IPC.

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

sd/-
05/02/2024

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/02/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PKN

To

1.The III Additional District and Sessions Judge,
Trichy.

2.The Principal Assistant Sessions Judge,
Trichy.

3.The Inspector of Police,
Musiri Police Station,
Trichy District.



CRL MP(MD) No.1131 of 2024

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M/S.SUBASH LAW OFFICE, Advocate (SR-1426[I] dated
05/02/2024)

ORDER
IN
CRL MP(MD) No.1131 of 2024
in
CRL RC(MD) No.91 of 2024
Date :05/02/2024

ED/ GS /SAR- (08/02/2024) 6P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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