



CRL MP(MD) No.1277 of 2024

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

Tuesday, the Sixth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.1277 of 2024

in

CRL RC(MD)No. 103 of 2024

KANTHASAMY

... PETITIONER/PETITIONER

Vs

THE INSPECTOR OF POLICE
NAMANASAMUTHIRAM POLICE STATION,
PUDUKKOTTAI DISTRICT.
CRIME NO .110 OF 2013.

... 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 made in Crl.A.No.55 of 2018 dt.29.9.2023 on the file of the Leaned Additional District and Sessions Judge,Pudukkottai,confirming the order or conviction made in CC.No.17 of 2014 dt.8.10.20218 on the file of the Judicial Magistrate, Thirumayam pending disposal of the Revision Petition.

Prayer in CRL RC(MD). 103/ 2024 :

To call for the records in pertaining to the order passed by the Learned Additional District and Sessions Judge,Pudukkottai dt.29.9.2023 made in Crl.A.No.55 of 2018 by confirming the order passed by the District Munsif cum Judicial Magistrate Court, Thirumayam dated 08/10/2018 in C.C.No. 17 of 2014 and set aside the same as illegal and allow this revision.



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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.T.VADIVELAN, 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 imposed on him by the learned Additional District and Sessions Judge, Pudukkottai, in Crl.A.No.55 of 2018 dated 29.09.2023 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.110 of 2013 on the file of the respondent/Inspector of Police, Namanasamuthiram Police Station, for the offences punishable under Sections 279, 338 and 304(A) of IPC and the same was taken on file in C.C.No.17 of 2014 before the learned Judicial Magistrate, Thirumayam. The petitioner was convicted and imposed a fine of Rs.500/- under Section 279 of IPC and imposed fine of Rs.1,000/- under Section 337 of IPC and sentenced to undergo one year simple imprisonment and a fine of Rs.1,000/- (each count) with one months simple imprisonment in case of default under Section 304(A) two counts of IPC. Challenging the above said conviction and sentence, the petitioner has preferred the Criminal Appeal before the learned Additional District and Sessions Judge, Pudukkottai, in Crl.A.No.55 of 2018 and the same was also dismissed on 29.09.2023.

<https://www.mhc.tn.gov.in/judis>



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Challenging the concurrent findings of the Courts below, the petitioner has preferred the present Criminal Revision Petition 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 vehicle and caused the death of the deceased persons. Considering the gravity of offence committed by the petitioner, 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, Pudukottai, in

Crl.A.No.55 of 2018 dated 29.09.2023 alone is suspended, subject to the following



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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 Additional District and Sessions Judge, Pudukottai.

ii) The petitioner shall appear and sign before the learned Additional District and Sessions Judge, Pudukottai, 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, Pudukottai.

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

sd/-
06/02/2024

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

RM



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TO
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- 1 THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE, PUDUKOTTAI
- 2 THE DISTRICT MUNSIF
CUM JUDICIAL MAGISTRATE, THIRUMAYAM.
- 3 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
- 4 THE INSPECTOR OF POLICE
NAMANASAMUTHIRAM POLICE STATION,
PUDUKKOTTAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.VADIVELAN, Advocate (SR-1615[I] dated 08/02/2024)

ORDER
IN
CRL MP(MD) No.1277 of 2024
in
CRL RC(MD)No. 103 of 2024
Date :06/02/2024

PKP/JGB/SAR /09.02.2024/ 5P/ 7C
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