



CRL MP(MD) No.1427 of 2024

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

Thursday, the Eighth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL MP(MD) No.1427 of 2024

in

CRL RC(MD)No.121 of 2024

M.RAJASANMUGAVEL

... REVISION PETITIONER/
APPELLANT/ACCUSED

Vs

THE INSPECTOR OF POLICE
ALANGANALLUR POLICE STATION,
MADURAI DISTRICT.
CRIME NO. 316 OF 2012

... REVISION 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 in C.A No. 19 of 2022 dated 08.12.2023 on the file of the Learned Vth Additional District and Sessions Judge, Madurai confirming the Judgment of the learned Judicial Magistrate, Vadipatti C.C No. 506 of 2017 dated 23.03.2022 pending disposal of the criminal revision petition.

Prayer in CRL RC(MD). 121/ 2024 :

To admit this revision on file to call for the records from the lower courts and set aside the judgment of the appellate court passed by the learned V Additional District and Sessions Judge, Madurai in C.A No. 19 of 2022 dated 08.12.2023 confirming the judgment of the Learned Judicial Magistrate, Vadipatti in C.C.No.506 of 2017 dated 23.03.2022 by allowing 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.S.SRIKANTH, Advocate for M/S.APN LAW ASSOCIATES, 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 imposed on him by the learned V Additional District and Sessions Judge, Madurai, in Crl.A.No.19 of 2022 dated 08.12.2023 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.316 of 2012 on the file of the respondent/Inspector of Police, Alanganallur Police Station, Madurai District, for the offences punishable under Section 304(A) of IPC and the same was taken on file in C.C.No.506 of 2017 before the learned Judicial Magistrate, Vadipatti. The petitioner was convicted and sentenced to undergo one year simple imprisonment for the offence under Section 304(A) of IPC. Challenging the above said conviction and sentence, the petitioner has preferred the Criminal Appeal before the learned V Additional District and Sessions Judge, Madurai, in Crl.A.No.19 of 2022 and the same was also dismissed on 08.12.2023. Challenging the concurrent findings of the Courts below, the petitioner has preferred the present Criminal Revision Case along



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with the above Criminal Miscellaneous Petition seeking suspension of sentence.

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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 bus in a rash and negligent manner and dashed against the vehicle and caused the death of the deceased. 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 V Additional District and Sessions Judge, Madurai, in CrI.A.No.19 of 2022 dated 08.12.2023 alone is suspended, subject to the following conditions:-



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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 V Additional District and Sessions Judge, Madurai.

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

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

sd/-
08/02/2024

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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

- 1 THE VTH ADDITIONAL DISTRICT
AND SESSIONS JUDGE, MADURAI.
- 2 THE JUDICIAL MAGISTRATE,
VADIPATTI.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 4 THE INSPECTOR OF POLICE
ALANGANALLUR POLICE STATION, MADURAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:
THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI. (CALL FOR RECORDS)

ORDER
IN
CRL MP(MD) No.1427 of 2024
in
CRL RC(MD)No.121 of 2024
Date :08/02/2024
(1/2)

SS/JGB/SAR- /13/02/2024/5P/7C

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