



CRL MP(MD) No.1828 of 2024

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

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

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.1828 of 2024

in

CRL RC(MD)No. 173 of 2024

MANIKANDAN

... PETITIONER/ APPELLANT/ SOLE ACCUSED

Vs

**THE INSPECTOR OF POLICE
THIRUVONAM POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.61 OF 2015.**

... 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 upon the petitioner in C.A.No.63/2023 dt.22.12.2023 on the file of III Additional District and Sessions Judge, Thanjavur @ Pattukkottai which is confirmed judgment passed in C.C.No.10/2016 dt.31.01.2023 on the file of the Learned District Munsif Court Cum Judicial Magistrate Court, Orathanadu and enlarge the petitioner on bail pending disposal of above Criminal Revision.

Prayer in CRL RC(MD)No. 173/ 2024 :

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



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To call for the records in C.A.NO.63/2023 dt.22.12.2023 on the file of III Additional District and Sessions Judge, Thanjavur @ Pattukkottai which is confirmed judgment passed in C.C.No.10/2016 dt.31.01.2023 on the file of the Learned District Munsif Court Cum Judicial Magistrate Court, Orathanadu set aside the same and allow this Revision.

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.EASHWAR.T, Advocate for the petitioner and of MR.A.THIRUVADI KUMAR, Additional Public Proeector, 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 III Additional District and Sessions Judge, Thanjavur at Pattukottai in C.C.No.10 of 2016 dated 31.01.2023 and to enlarge him on bail, pending disposal of the Criminal Revision.

2. According to the prosecution, on 17.03.2015 at about 2.50 p.m., when the deceased Ramalingam heading towards his house carrying bundles of grass in his bicycle at Pattukottai to Kantharvakottai Main Road, at that time, it is alleged that on the opposite site, a TNSTC Bus driven by the petitioner bearing registration No.TN-49-N-1793 in a rash and negligent manner hit the deceased bicycle. The injured was



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taken to Pattukottai Government Hospital in the same Bus and thereafter, as per the advice of the Medical Officers, he was taken to Thanjavur Government Medical College Hospital for further treatment. However, on 18.03.2015, Ramalingam succumbed to the injuries. Based on the complaint given by P.W-1, an FIR was registered in Crime No.61 of 2015 by the respondent police and the same was taken on file in C.C.No.10 of 2016 on the file of the learned District Munsif cum Judicial Magistrate, Orathanadu. The petitioner was convicted and sentenced for the offences under Sections 279 and 304(A) of IPC to undergo six months Simple Imprisonment and to pay a fine of Rs.1,000/- with one week Simple Imprisonment in case of default and another two years Simple Imprisonment along with a fine of Rs.10,000/- with one month simple imprisonment in case of default. Thereafter, the petitioner preferred an appeal before the learned III Additional District and Sessions Judge, Thanjavur at Pattukottai in C.A.No.63 of 2023, who has also confirmed the order of the trial Court. Aggrieved over the same, the present Revision has been filed by the petitioner.

3. Learned counsel for the petitioner submitted that the eye witnesses as well as the hearsay witnesses did not adduce any evidence to substantiate the claim of the prosecution that he has driven the Bus in a rash and negligent manner. Furthermore, the onus of proving the charges levelled against him is lies upon the prosecution.



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Hence, he 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 on either side and perused the materials available on record.

6. Considering the arguable points involved in the appeal and the facts and circumstances of the case, this Court is of the prima facie view that the sentence imposed on the petitioner is to be suspended pending Revision.

7. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned III Additional District and Sessions Judge, Thanjavur at Pattukottai in C.C.No.10 of 2016 dated 31.01.2023 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 District Munsif Court cum Judicial Magistrate, Orathanadu.

ii) The petitioner shall appear and sign before the trial Court 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



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working day of a month, he shall appear on the next working day.

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

sd/-
15/02/2024

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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, THANJAVUR @ PATTUKOTTAI.
- 2 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, ORATHANADU.
- 3 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM.
- 4 THE INSPECTOR OF POLICE
THIRUVONAM POLICE STATION,
THANJAVUR DISTRICT.



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

+1. CC to MR.T.EASHWAR, Advocate SR.No.1942(I) DT: 15/02/2024

ORDER
IN
CRL MP(MD) No.1828 of 2024
in
CRL RC(MD)No. 173 of 2024
Date :15/02/2024

PKP/GS/SAR /23.02.2024/ 6P/ 7C

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