



CRL MP(MD) No.1989 of 2024

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

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

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.1989 of 2024

in

CRL RC(MD) No.182 of 2024

MUTHUMURUGAN

... Petitioner / Revision Petitioner

Vs

THE INSPECTOR OF POLICE
KAMUTHI POLICE STATION,
RAMANATHAPURAM DISTRICT.

... 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 passed by the judgment dt. 17.10.2023 in Crl Appeal No. 48 of 2023 by the learned Principal Sessions Judge, Ramanathapuram confirming the conviction and sentence passed by the learned District Munsif cum Judicial Magistrate, Kamuthi, Ramanathapuram District in C.C.No.80 of 2016 dated 01.03.2023 pending disposal of the above said criminal revision.

Prayer in CRL RC(MD). 182/ 2024 :

To call for the entire records in connection with the judgment dated 17.10.2023 passed in Crl Appeal No. 48 of 2023 by the learned Principal Sessions Judge, Ramanathapuram confirming the conviction and sentence passed by the learned District Munsif cum Judicial Magistrate, Kamuthi, Ramanathapuram District in C.C.No.80 of 2016 dated 01.03.2023 and set aside the same.



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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 M/S.SEENISULTHAN.M, 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.48 of 2023, dated 17.10.2023, on the file of the learned Principal Sessions Judge, Ramanathapuram, and to enlarge the petitioner on bail, till the disposal of this Criminal Revision.

2. The case of the prosecution is that the petitioner/accused drove the vehicle (bus) bearing registration number TN-63-AE-6886 in a rash and negligent manner and dashed against the deceased two-wheeler, due to which, he succumbed to the injuries. Taking cognizance of the complaint, he was convicted by the learned District Munsif cum Judicial Magistrate, Kamuthi, Ramanathapuram, for the offences punishable under Section 304 (A) of IPC and sentenced him to undergo one year imprisonment and to pay a fine of Rs.5000/- in default to undergo 3 months simple imprisonment. The appellate Court also confirmed the punishment and sentence imposed on the petitioner. Aggrieved against the same, the petitioner filed the present revision along with the suspension of sentence petition.

3. The learned counsel for the petitioner submitted that at the time of incident, the driver of the offending vehicle drove the vehicle in a rash and negligent manner



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and that P.W.1 and P.W.2, who proceeded the deceased vehicle, deposed their evidences in contradiction. The deposition of P.W.1 is contradictory to that of P.W.2 in regard to presence of the petitioner at the scene of occurrence. He further submitted that the Court below failed to appreciate the fact that the deceased drove his vehicle in an inebriated state which caused an accident 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 also 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.

7. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned Principal Sessions Judge, Ramanathapuram, in CrI.A.No.48 of 2023 dated 17.10.2023 alone is suspended, subject to the following conditions:-

i) The petitioner shall execute a bond for a sum of Rs.25,000/-



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(Rupees Twenty Five Thousand only) with two sureties each for a like-sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Kamuthi, Ramanathapuram;

ii) The petitioner shall appear and sign before the learned District Munsif cum Judicial Magistrate, Kamuthi, Ramanathapuram, 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 i.e., learned District Munsif cum Judicial Magistrate, Kamuthi, Ramanathapuram.

v) On breach of any of the aforesaid conditions, the learned District Munsif cum Judicial Magistrate, Kamuthi, Ramanathapuram, 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 learned District Munsif cum Judicial Magistrate/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



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

sd/-
20/02/2024

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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 Principal Sessions Judge,
Ramanathapuram.
- 2.The District Munsif cum Judicial Magistrate,
Kamuthi, Ramanathapuram.
- 3.Do through the Chief Judicial Magistrate,
Ramanathapuram District.
- 4.The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.SEENI SULTHAN, Advocate (SR-2067[I] dated 20/02/2024)



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ORDER

IN

CRL MP(MD) No.1989 of 2024

in

CRL RC(MD) No.182 of 2024

Date :20/02/2024

ED/ GS /SAR- (21/02/2024) 6P / 7C

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