



CRL MP(MD) No.2152 of 2024

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

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

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.2152 of 2024

in

CRL RC(MD) No.192 of 2024

JESSIM UMAR

... Petitioner / Petitioner

Vs

THE INSPECTOR OF POLICE  
KADALADI POLICE STATION,  
RAMANATHAPURAM DISTRICT.  
(CRIME NO.106 OF 2018.)

... 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 against the Petitioner in Crl.A.No.42 of 2023 by its judgment dt.6.12.2023 on the file of Principal Sessions Judge,Ramanthapuram confirming the conviction and sentence passed in CC.No.310 of 2019 dt.10.2.2023 by convicting the petitioner for offence U/Sec.304(A) of IPC, pending disposal of the criminal revision petition.

Prayer in CRL RC(MD). 192/ 2024 :

To call for records pertaining to Crl.A.No.42 of 2023 on the file of the Principal Sessions Judge,Ramanthapuram by its judgment dt.6.12.2023 and confirming the conviction and sentence render in CC.No.310 of 2019 on the file of the District Munsif cum Judicial Magistrate, Kadaladi by its judgment dated 10.02.2023 and set aside the same by allowing this criminal revision petition.



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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.A.ARUL JENIFER, Advocate for M/S.KBS 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 cases, 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 Principal Sessions Judge, Ramanathapuram in Crl.A.No.42 of 2023 dated 06.12.2023 and to enlarge him on bail, pending disposal of the Criminal Revision.

2. According to the prosecution, on 19.11.2018 at about 12.30 hrs., the complainant's grand father viz., Arumugam proceeds off his field, when he was standing on the left side of the road towards Sayalkudi to Ramanathapuram ECR Road, the petitioner/accused drove the car bearing registration No.KL 55 V 3653 in a rash and negligent manner and hit against the deceased. Due to which, the deceased Arumugam died on the spot itself. Taking the complaint on file in C.C.No.310 of 2019, learned trial Court convicted the accused for the offence under Section 304(A) of IPC and sentenced to undergo Simple Imprisonment for 2 years and also to pay a fine of Rs.10,000/- with further six months Simple Imprisonment in case of default. Aggrieved over the same, the present Revision has been filed by the petitioner along with the Criminal Miscellaneous Petition.



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3. Learned counsel for the petitioner submitted that there are several contradictions in the statements of prosecution witnesses in affirming the colour of vehicle and the Court below failed to consider the fact that P.W.1 is only a hearsay witness and not an eye witness and by believing the statement of hearsay witness, the Court below had convicted the accused. Furthermore, the petitioner was released on bail even during the trial.

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 Principal Sessions Judge, Ramanathapuram, in CrI.A.No.42 of 2023 dated 06.12.2023 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



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to the satisfaction of the learned Principal Sessions Judge,  
Ramanathapuram.

ii) The petitioner shall appear and sign before the trial Court 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 Principal Sessions Judge, Ramanathapuram.

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

sd/-  
22/02/2024

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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.



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2.The District Munsif cum Judicial Magistrate,  
Kadaladi.

3.Do through the Chief Judicial Magistrate,  
Ramanathapuram District.

4.The Inspector of Police,  
Kadaladi Police Station.

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

+1 CC to M/s.KBS LAW OFFICE, Advocate ( SR-2371[I] dated 26/02/2024 )

ORDER  
IN  
CRL MP(MD) No.2152 of 2024  
in  
CRL RC(MD) No.192 of 2024  
Date :22/02/2024

ED/ VR /SAR- (27/02/2024) 5P / 7C

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