



CRL MP(MD) No.2681 of 2024

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

Monday, the Fourth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.2681 of 2024
and
CRL RC(MD) No.236 of 2024

MANIVEL

... Petitioner / Petitioner

Vs

THE INSPECTOR OF POLICE
TIW NORTH POLICE STATION
(TRAFFIC NORTH POLICE STATION),
TRICHY DISTRICT.
(CRIME NO. 38/2017)

... 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 execution of sentence by granting bail in Crl Appeal No. 137 of 2022 dt. 06.07.2023 on the file of the III Additional District and Sessions Judge, Tiruchirappalli and confirming in STC No. 2100 of 2019 dt. 19.10.2022 on the file the Chief Judicial Magistrate, Tiruchirappalli till disposal of the main criminal revision petition.



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Prayer in CRL RC(MD). 236/ 2024 :

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To admit this revision on file, to call for the records from the lower court and set aside the order passed by the learned III Additional District and Sessions Judge, Trichy in C. A No. 137 of 2022 dt. 06.07.2023 the Appeal and confirmed the judgment of learned Chief Judicial Magistrate, Trichy in C.C.No.2100 of 2019 dated 19.10.2022, having been aggrieved over the judgments the Revision petitioner filed this Revision petition and set aside the said order.

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.D.ANBARASU, Advocate for the petitioner and of Mr.M.MUTHUMANIKKAM, Government Advocate (Crl. side) 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 III Additional District and Sessions Judge, Tiruchirappalli, in Crl.A.No.137 of 2022 dated 06.07.2023 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.38 of 2017 on the file of the respondent/Inspector of Police, TIW North Police Station, for the offences punishable under Sections 279 and 304(A) of IPC and the same was taken on file in



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C.C.No.2100 of 2019 before the learned Chief Judicial Magistrate, Trichy. The petitioner was convicted and imposed a fine of Rs.1,000/- with one month simple imprisonment in case of default under Section 279 of IPC and sentenced to undergo one year simple imprisonment under Section 304(A) of IPC. Challenging the above said conviction and sentence, the petitioner has preferred the Criminal Appeal before the learned III Additional District and Sessions Judge, Trichirappalli, in Crl.A.No.137 of 2022 and the same was also dismissed on 06.07.2023. Challenging the concurrent findings of the Courts below, the petitioner has preferred the present Criminal Revision Petition along with the above Criminal 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.R.Sivakumar, learned Government Advocate (Crl. side) 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 person. Considering the gravity of offence committed by the petitioner, both the Courts below have found him guilty and hence, opposed for allowing this petition.



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on record.

5. Heard the learned counsel on either side and perused the materials available

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 Criminal Revision Case.

7. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned III Additional District and Sessions Judge, Trichirappalli, in Crl.A.No.137 of 2022 dated 06.07.2023 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 III Additional District and Sessions Judge, Tiruchirappalli.

ii) The petitioner shall appear and sign before the learned Additional District and Sessions Judge, Tiruchirappalli, 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 working day of a month, he shall appear on the next working day.

iv) The petitioner shall furnish his residential address and mobile



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number to the Trial Court ie., learned III Additional District and Sessions
Judge, Tiruchirappalli.

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

sd/-
04/03/2024

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/03/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

RM

To

1.The III Additional District and Sessions Judge,
Tiruchirappalli.

2.The Chief Judicial Magistrate,
Tiruchirappalli.

3.The Inspector of Police,
TIW North Police Station,
(Traffic North Police Station)
Trichy District.

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



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The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court, Madurai. (2 copies)

+1 CC to M/s.D.ANBARASU, Advocate (SR-2769[I] dated 06/03/2024)

ORDER
IN
CRL MP(MD) No.2681 of 2024
and
CRL RC(MD) No.236 of 2024
Date :04/03/2024

ED/ VR /SAR- (06/03/2024) 6P / 8C

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