



CRL MP(MD) No.3325 of 2024

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

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

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.3325 of 2024

in

CRL RC(MD)No.290 of 2024

MOHAMED ISMAIL

... PETITIONER/PETITIONER/
APPELLANT/ACCUSED(SINGLE)

Vs

THE INSPECTOR OF POLICE
ORATHANADU POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO. 34/2013

... RESPONDENT/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 enlarge the petitioner on bail by suspending the sentence imposed by the learned District Munsif cum Judicial Magistrate, Orathanadu, Thanjavur District in C.C No. 30 of 2024 vide his judgment dated 09.02.2023 which has been subsequently confirmed by the III Additional District and Sessions Court, Thanjavur @ Pattukkottai in C.A.No.78 of 2023 vide his judgment dated 31.10.2023 pending the disposal of the main criminal revision.

Prayer in CRL RC(MD). 290/ 2024 :

To call for the entire records pertaining to the judgment delivered by the learned District Munsif cum Judicial Magistrate, Orathanadu, Thanjavur District in C.C No. 30 of 2014 vide his judgment dt. 09.02.2023 by convicting the petitioner



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under Section 279 of I.P.C. and sentenced him to undergo 3 months S.I. with a fine of Rs.1,000/- in default to undergo 1 week S.I and convicting him under Section 304(A) of I.P.C. and sentenced to pay a fine of Rs.10,000/- in default to undergo one month S.I. which has been subsequently confirmed by the III Additional District and Sessions Court, Thanjavur @ Pattukkottai in C.A.No.78 of 2023 vide his judgment dated 31.10.2023 and set aside the same and consequently acquit the petitioner honorably.

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.M.PITCHAI MUTHU, Advocate for the petitioner and of Mr.R.SIVAKUMAR, Government Advocate(Crl.side) 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 III Additional District and Sessions Judge, Thanjavur @ Pattukkottai, in Crl.A.No.78 of 2023 dated 31.10.2023 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.34 of 2013 on the file of the respondent/Inspector of Police, Orathanadu Police Station, Thanjavur District, for the offences punishable under Sections 279 and 304(A) of IPC and the same was taken on file in C.C.No.30 of 2014 before the learned District Munsif-cum-Judicial Magistrate, Orathanadu Thanjavur District. The petitioner was convicted and



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sentenced to undergo three months simple imprisonment and a fine of Rs.1,000/- with one week simple imprisonment in case of default under Section 279 of IPC and sentenced to undergo one year simple imprisonment and a fine of Rs.10,000/- with one month simple imprisonment in case of default 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, Thanjavur @ Pattukkottai, in Crl.A.No.78 of 2023 and the same was also dismissed on 31.10.2023. 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 deceased and caused the death of the deceased person.



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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 Criminal Revision Case.

7. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned III Additional District and Sessions Judge, Thanjavur @ Pattukkottai, in CrI.A.No.78 of 2023 dated 31.10.2023 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, Thanjavur @ Pattukkottai.



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ii) The petitioner shall appear and sign before the learned Additional District and Sessions Judge, Thanjavur @ Pattukkottai, 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 III Additional District and Sessions Judge, Thanjavur @ Pattukkottai.

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

sd/-
18/03/2024

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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, THANJAVUR @ PATTUKKOTTAI.



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

ORDER
IN
CRL MP(MD) No.3325 of 2024
in
CRL RC(MD)No.290 of 2024
Date :18/03/2024
(1/2)

SS/JGB/SAR- /22/03/2024/6P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023