



CRL MP(MD) No.3035 of 2024

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

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

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.3035 of 2024

in

CRL RC(MD) No.266 of 2024

MANIKANDAN

... PETITIONER/ APPELLANT/ ACCUSED

Vs

THE INSPECTOR OF POLICE
MALAIYOOR POLICE STATION,
PUDUKKOTTAI DISTRICT.
CRIME NO. 1 OF 2017

... 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 on me by the learned Additional District and Sessions Judge Pudukkottai made in Crl.A.No.30/2023 dt 22.12.2023 confirming the judgment of learned District Munsif cum Judicial Magistrate, Alangudi, Pudukkottai District made in C.C.No.137 of 2017 dated 21.02.2023 and allow the above Criminal Revision pending disposal of the above revision petition.

Prayer in CRL RC(MD). 266/ 2024 :

To call for the records and set aside the judgment passed by the learned Additional District and Sessions Judge pudukkottai made in Crl.A No.30/2023 dt 22.12.2023 confirming the judgment of learned District Munsif cum Judicial Magistrate, Alangudi, Pudukkottai District made in C.C.No.137 of 2017, dated 21.02.2023 and allow the above criminal revision.



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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 MR.B.JAMEELARASU, 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:-

The petitioner has filed this Criminal Miscellaneous Petition praying to suspend the sentence passed against him by the learned Additional District and Sessions Judge, Pudukkottai, in CrI.A.No.30 of 2023 dated 22.12.2023 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.1 of 2017 on the file of the respondent/Inspector of Police, Malaiyoor Police Station, Pudukkottai District, for the offences punishable under Sections 279, 337 and 304(A) of IPC and the same was taken on file in C.C.No.137 of 2017 before the learned District Munsif-cum-Judicial Magistrate, Alangudi. The petitioner was convicted and sentenced to pay a fine of Rs.500/- with one month simple imprisonment in case of default under Section 279 of IPC and to undergo three months simple imprisonment and a fine of Rs.500/- with one month simple imprisonment in case of default under Section 337 of IPC and to undergo one year simple imprisonment and a fine of Rs.1,000/- 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



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before the learned Additional District and Sessions Judge, Pudukkottai, in
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Crl.A.No.30 of 2023 and the same was also dismissed on 22.12.2023. Challenging the
concurrent findings of the Courts below, the petitioner has preferred the present
Criminal Revision 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.M.Muthumanikkam, 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 his death. Considering the gravity of offence
committed, 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



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imposed by the learned Additional District and Sessions Judge, Pudukkottai, in
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Crl.A.No.30 of 2023 dated 22.12.2023 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 to the satisfaction of the learned Additional District and Sessions Judge, Pudukkottai.

ii) The petitioner shall appear and sign before the learned Additional District and Sessions Judge, Pudukkottai, 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 number to the Trial Court ie., learned Additional District and Sessions Judge, Pudukkottai.

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

sd/-

11/03/2024

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/03/2024

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



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TO

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1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE, PUDUKOTTAI.

2 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, ALANGUDI,
PUDUKKOTTAI DISTRICT.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.

4 THE INSPECTOR OF POLICE, MALAIYOOR POLICE STATION,
PUDUKKOTTAI DISTRICT.

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

+1 CC to M/s.B.JAMEELARASU, Advocate (SR-3047[I] dated 12/03/2024)

ORDER IN
CRL MP(MD) No.3035 of 2024
in
CRL RC(MD) No.266 of 2024
Date :11/03/2024

RS/JGB/SAR-(15.03.2024) 5P 7C

Madurai Bench of Madras High Court is issuing
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