



CRL MP(MD) No.3815 of 2024

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

Thursday, the Twenty Eighth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.3815 of 2024

in

CRL RC(MD)No.336 of 2024

NEHRUJI

... PETITIONER/PETITIONER

Vs

THE INSPECTOR OF POLICE
KULITHALAI POLICE STATION
KARUR DISTRICT.
CRIME NO.464/2017.

... 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 sentence imposed in Crl A No.19/2021 order dt.25.11.2021 on the file Honble Sessions Court, Karur in CC No.21/2018 on the file of Judicial Magistrate.2 Kulithalai order dt.19.04.2021 and enlarge the petitioner on bail till pending disposal of the above Criminal Revision.

PRAYER in CRL RC(MD)No.336 of 2024:

To call for the records pertaining to the order dated 25.11.2021 made in Crl.A.No.19 of 2021 on the file Hon'ble Sessions Court Karur by which the sentence was modified and confirmed the conviction imposed by the learned Judicial Magistrate.2 Kulithalai in C.C.NO.21 of 2018 dated 19.04.2021 and set aside the same and acquit the petitioner by allowing the Revision Petition as prayed for.



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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.V.VISHNU, Advocate for the petitioner and of Mr.M.MUTHUMANIKKAM, 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 passed against him by the learned Sessions Judge, Karur, in Crl.A.No.19 of 2021 dated 25.11.2021 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.464 of 2017 on the file of the respondent/Inspector of Police, Kulithalai Police Station, Karur District, for the offences punishable under Sections 279 and 304(A) of IPC and the same was taken on file in C.C.No.21 of 2018 before the learned Judicial Magistrate No.II, Kulithalai. The petitioner was convicted and sentenced to pay a fine of Rs.1,000/- with three months simple imprisonment in case of default under Section 279 of IPC and to undergo one year rigorous imprisonment and a fine of Rs.3,000/- with three months simple imprisonment in case of default under Section 304(A) of IPC. Challenging the above said conviction and sentence, the petitioner has preferred the



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Criminal Appeal before the learned Sessions Judge, Karur, in Crl.A.No.19 of 2021 and the conviction was confirmed and the sentence was modified to six months simple imprisonment from one year rigorous imprisonment on 25.11.2021. Challenging the concurrent findings of the Courts below, the petitioner has preferred the present Criminal Appeal along with the above 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.



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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 Revision Case.

7. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned Sessions Judge, Karur, in CrI.A.No.19 of 2021 dated 25.11.2021 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 Sessions Judge, Karur.

ii) The petitioner shall appear and sign before the learned Sessions Judge, Karur, 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.



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iv) The petitioner shall furnish his residential address and mobile number to the Trial Court ie., learned Sessions Judge, Karur.

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

sd/-
28/03/2024

/ TRUE COPY /

/04/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

RM

TO

- 1 THE SESSIONS JUDGE,
KARUR.
- 2 THE JUDICAIL MAGISTRATE NO.2
KULITHALAI.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
- 4 THE INSPECTOR OF POLICE
KULITHALAI POLICE STATION
KARUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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COPY TO:

THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI. (CALL FOR RECORDS)

ORDER
IN
CRL MP(MD) No.3815 of 2024
in
CRL RC(MD)No.336 of 2024
Date :28/03/2024

SS/GS/SAR- /10/04/2024/6P/7C

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