



CRL.M.P.(MD)No.5519 of 2024

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

Thursday, the Sixth day of June Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.K. RAMAKRISHNAN

CRL.M.P.(MD)No.5519 of 2024

in

CRL.R.C.(MD)No.521 of 2024

PRAKASH

... PETITIONER/REVISION PETITIONER

Vs

THE INSPECTOR OF POLICE
PAPPANADU POLICE STATION,
THANJAVUR DISTRICT.
(IN CRIME NO.160 OF 2015)

... 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 enlarge the petition on bail Suspend the Sentence of the petitioner imposed in Judgment dated 10.05.2023 in C.C.No.143 of 2015 on the file of Learned District Munsif-Cum-Judicial Magistrate, Orathanadu, confirmed in Judgment dated 04.03.2024 made in Crl.A.No.142 of 2023 on the file of III Additional District & Sessions Judge, Thanjavur @ Pattukkottai, pending disposal of the above criminal revision petition.

Prayer in CRL RC(MD). 521/ 2024 :

To call for the records set aside the judgment dated 04.03.2024 made in Crl.A.No.142 of 2023 on the file of IIIrd Additional District and Sessions Judge, Thanjavur @ Pattukkottai, confirming the judgment dated 10.05.2023 in C.C.No.143 of 2015 on the file of Learned District Munsif Cum Judicial Magistrate, Orathanadu and allow the 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.A.ARUN PRASAD, Advocate for the petitioner and of Mr.R.SIVAKUMAR, Government Advocate(crl.side) on behalf of the Respondent, While admitting the Criminal Revision Case, the court made the following order:-

This petition is filed to suspend the sentence imposed on the petitioner by the III Additional District and Sessions Judge, Thanjavur @ Pattukottai, in Crl.A.No.142 of 2023 dated 04.03.2024, in confirming the conviction and sentence imposed by the learned District Munsif Cum Judicial Magistrate, Orathanadu, in C.C.No.143 of 2015, dated 10.05.2023 pending disposal of the main Criminal Revision.

2. The case of the respondent is that on 19.06.2015 at about 06.50 a.m., while the deceased Thangamani was proceeding by By-cycle at Pattukkottai to Thanjavur Main Road Near Thirunallur Branch road from North to South Direction, at that time, petitioner driven T.N.S.T.C Bus bearing Registration No.TN-49-N-1894 in a rash and negligent manner and dashed on the deceased Thangamani and he died on the spot. Therefore, the petitioner have committed the offence punishable under Section 279 and 304(A) of IPC. After completing the investigation, the respondent police filed the charge sheet before the District Munsif Cum Judicial Magistrate, Orathanadu and the same was taken on file in C.C.No.143 of 2015.

3. During trial, on the side of the respondent, Eleven witnesses have been examined as P.W.1 and P.W.11 and exhibited 9 documents as Ex.P.1 to Ex.P.9 and no



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material objects were marked. On the side of the accused, no witness and no documents were marked.

4. The District Munsif Cum Judicial Magistrate, Orathanadu, after full-fledged trial, has passed the judgment in C.C.No.143 of 2015, dated 10.05.2023, and convicted the petitioner/accused for the offence under Section 279 of IPC and sentenced him to undergo six months simple imprisonment and to pay a fine of Rs.1,000/- in default to undergo one week simple imprisonment and for the offence under Section 304(A) of IPC and sentenced him to undergo one year Simple Imprisonment and to pay a fine amount of Rs.10,000/- in default to undergo one month of Simple Imprisonment. Challenging the above said conviction and sentence, the petitioner preferred the Criminal Appeal before the III Additional District & Sessions Judge, Thanjavur @ Pattukottai in Crl.A.No.142 of 2023. However, the same was dismissed on 04.03.2024, thereby confirming the conviction and sentence imposed on the petitioner. Aggrieved over the above said conviction and sentence, imposed by the Courts below, the petitioner preferred the present Criminal Revision Case along with the present Miscellaneous Petition seeking for suspension of sentence.

5. The learned counsel for the petitioner submitted that there are some arguable points involved in the criminal revision and the learned trial Judge as well as the Appellate Judge has not considered the evidence in proper prospective and hence, the



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judgments are suffered from perversity. He further submitted that the petitioner drove his vehicle slowly, but, due to sudden crossing of the deceased, the accident had happened. Hence, he seeks for the suspension of sentence.

6. This Court has carefully considered the submission made by the counsel for the petitioner and also perused the materials available on record.

7. Considering the facts and circumstances of this case and there was no antecedent against the petitioner and there are some arguable points involved in the criminal revision, this Court is inclined to grant suspension of sentence.

8. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision with the following directions:-

(i) The petitioner is directed to be enlarged on bail on condition that 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;

(ii) The sureties shall affix her photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure her identity; and



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(iii) The petitioner shall appear before the trial Court once in a month i.e., on the first working day of every English calendar month at 10.30 a.m., until further orders.

sd/-
06/06/2024

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/06/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TTA
TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ORATHANADU.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE III ADDITIONAL DISTRICT & SESSIONS JUDGE,
THANJAVUR @ PATTUKKOTTAI.

4 THE INSPECTOR OF POLICE
PAPPANADU 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 (CALL FOR RECORDS)

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ORDER
IN
CRL.M.P.(MD)No.5519 of 2024
in
CRL.R.C.(MD)No.521 of 2024
Date :06/06/2024

SA/VR/SAR. /19.06.2024/6P/7C

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