



CRL MP(MD) No.9963 of 2024

WEB COPY

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

Friday, the Twentieth day of September Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.9963 of 2024

in

CRL RC(MD) No.900 of 2024

SUDHAGAR

... PETITIONER/PETITIONER
/APPELLANT/SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE,
VAIYAMPATTI POLICE STATION,
TRICHY DISTRICT.
(CRIME NO. 269/2018)

... RESPONDENT/RESPONDENT
/RESPONDENT/COMPLAINANT

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 the judgment dt. 08.08.2024 in Crl A No. 108 of 2022 on the file of the II Additional District and Session court, Trichy by partly modified the conviction and sentence imposed in C.C No. 77 of 2019 on the file of the Judicial Magistrate, Manaparai dated 25.08.2022 pending disposal of the above Criminal Revision Petition.

Prayer in CRL RC(MD). 900/ 2024 :

To call for the judgment dt. 08.08.2024 in Crl A No. 108 of 2022 on the file of the II Additional District and Sessions court, Trichy by partly modified the conviction and sentence imposed in C.C No. 77/2019 on the file of the Judicial Magistrate, Manaparai dated 25.08.2022 and set aside the same.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.N.ANANDA KUMAR, Advocate for the petitioner and of MR.K.SANJAI GANDHI, Government



CRL MP(MD) No.9963 of 2024

Advocate (Crl.Side) on behalf of the Respondent, the court made the following order:-

WEB COPY

The above petition has been filed to suspend the sentence imposed on the petitioner/sole accused by the learned Judicial Magistrate, Manaparai, in C.C.No.77 of 2019, dated 25.08.2022, which was modified by the learned II Additional District and Sessions Judge, Tiruchirappalli in C.A.No.108 of 2022, dated 08.08.2024.

2.The case of the prosecution is that on 28.12.2018 at about 05.50 a.m., the petitioner/sole accused had driven 407 Maxi Cab van bearing Registration No.TN-37-CK-4189 in Dindigul – Trichy Highway in a rash and negligent manner and dashed against the pedestrian Manickam and the vehicle got stumbled and again dashed against the two wheeler bearing Registration No.TN-45-AZ-4451 and as a result of which, the pedestrian Manickam and the two wheeler rider Sheq Maideen succumbed to the injuries and on that basis, FIR came to be registered in Crime No.269 of 2018 against the petitioner.

3.The respondent, after completing the investigation, has filed the final report for the offences under Sections 279 and 304(A)(2 counts) IPC and the case was taken on file in C.C.No.77 of 2019 and the same was pending on the file of the Judicial Magistrate, Manaparai.

4.The learned counsel appearing for the petitioner would submit that the trial Court has convicted the petitioner for the offence under Section 304(A)(2 counts) IPC



CRL MP(MD) No.9963 of 2024

and sentenced him to undergo 18 months simple imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo one month simple imprisonment.

WEB COPY

5.Challenging the above said conviction and sentence, the petitioner has preferred an appeal in C.A.No.108 of 2022 on the file of the II Additional District and Sessions Court, Tiruchirappalli. The learned Sessions Judge has partly allowed the appeal by convicting the petitioner for the offence under Section 304(A) IPC and sentenced him to undergo 9 months simple imprisonment and since the petitioner has already paid the fine amount before the trial Court, the appellate Court has not passed any order with regard to fine amount. Being dissatisfied with the said conviction and sentence, the petitioner has preferred the present criminal revision along with the above application for suspension of sentence.

6.The learned counsel appearing for the petitioner would submit that the petitioner is not having any previous cases and that the petitioner has paid the fine amount. He would further submit that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

7.The learned Government Advocate (Criminal Side) appearing for the respondent would submit that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence.



CRL MP(MD) No.9963 of 2024

WEB COPY

8.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

9.The learned counsel appearing for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal revision and further the criminal revision is not likely to be taken up for final hearing in the near future and taking note of the medical condition of the petitioner, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

10.Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on 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 Judicial Magistrate, Manaparai;

(ii) The sureties shall affix their 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 their identity; and

(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



CRL MP(MD) No.9963 of 2024

and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 of Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

sd/-
20/09/2024

/ TRUE COPY /

/09/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE,
TRICHY.

2 THE JUDICIAL MAGISTRATE,
MANAPARAI.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

4 THE INSPECTOR OF POLICE,
VAIYAMPATTI POLICE STATION,
TRICHY DISTRICT.

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



WEB COPY



CRL MP(MD) No.9963 of 2024

ORDER

IN

CRL MP(MD) No.9963 of 2024

in

CRL RC(MD) No.900 of 2024

Date :20/09/2024

RS/VR/SAR-(27.09.2024) 6P 6C

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