



CRL MP(MD) No.11996 of 2024

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

Tuesday, the Twelfth day of November Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL MP(MD) No.11996 of 2024

in

CRL RC(MD) No.1108 of 2024

MURUGAN

... PETITIONER/REVISION PETITIONER

Vs

THE INSPECTOR OF POLICE,
KALLEDAIKURICHI POLICE STATION,
THIRUNELVELI.
CR NO.63/2015.

... RESPONDENT/RESPONDENT

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 confirmed in Crl.Appeal No.45/2024 by the Honble III Additional District and Sessions Judge at Thirunelveli dt.16.08.2024 against the sentence passed in CC No.182/2017 on the file of the Court of Judicial Magistrate, Ambasamudram dated 15.04.2024 and enlarge the petitioner on bail pending disposal of the above Criminal Revision Petition.

Prayer in CRL RC(MD). 1108/ 2024 :

To call for the records of the Judgment dt.16.08.2024 passed in Crl A No.45/2024 on the file of the Learned III Addl District and Sessions Judge at Thirunelveli confirming the sentence passed in CC No.182/2017 dt.15.04.2024 on the file of the Court of the Learned Judicial Magistrate, Ambasamudram and set aside the same by allowing this revision petition.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.VENKATESH.R, Advocate for the petitioner and of MR.M.VAIKKAM KARUNANITHI, Government

<https://www.mhc.tn.gov.in/judis>



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Advocate (Crl.Side) on behalf of the Respondent, while admitting the Criminal Revision Case, the court made the following order:-

This Criminal Miscellaneous Petition has been filed to suspend the sentence passed against the petitioner by the learned Judicial Magistrate, Ambasamudram in C.C.No.182 of 2017, dated 15.04.2024, which was confirmed in Criminal Appeal No.45 of 2024, dated 16.08.2024, by the learned III Additional District and Sessions Judge, Tirunelveli, pending disposal of the Criminal Revision Case in Crl.R.C.(MD) No.1108 of 2024.

2.The case of the prosecution is that on 14.03.2015 at about 12.15 p.m., the brother of the de-facto complainant was riding a two wheeler bearing registration No.TN 72 H 1544 on Kallidaikurichi - Cheranmahadevi Main Road. At that time, the accused, who was driving a Government bus bearing registration No.TN 58 N 0561 in a rash and negligent manner, had collided with the de-facto complainant's brother's two wheeler while overtaking. Due to that collision, the brother of the de-facto complainant had succumbed to injuries, and had died. Hence, a First Information Report came to be registered in Crime No.63 of 2015 by the respondent police as against the accused for the offence under Section 304(A) of IPC.

3.The respondent, after completing the investigation, has filed the final report and the same was taken on file in C.C.No.182 of 2017 on the file of the Judicial Magistrate Court, Ambasamudram.



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4.The learned counsel appearing for the petitioner submitted that the petitioner/accused has been convicted by the trial Court on 15.04.2024, and the trial Court sentenced the accused to undergo imprisonment for a period of three months and to pay a fine of Rs.5,000/- in default to undergo imprisonment for a period of two months for the offence under Section 304(A) of IPC.

5.Challenging the above said conviction and sentence, the petitioner has preferred an appeal in Criminal Appeal No.45 of 2024 on the file of the learned III Additional District and Sessions Judge, Tirunelveli. The learned III Additional District and Sessions Judge, Tirunelveli by confirming the said conviction and sentence, dismissed the appeal on 16.08.2024. Being dissatisfied with the said conviction and sentence, the petitioner has preferred the present Criminal Revision Case before this Court along with this Miscellaneous Petition seeking suspension of sentence.

6.It is submitted by the learned counsel for the petitioner that the petitioner is the senior citizen, and that there are several infirmities in the prosecution case, and also there are contradictions in material particulars between the evidence of the prosecution witnesses.

7.The learned Government Advocate (Criminal Side) appearing for the respondent submitted that there are enough materials available on record against the



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petitioner and hence, he opposed to grant suspension of sentence.

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8.This Court has carefully considered the submissions made by the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent, and has also perused the materials available on record.

9.The learned counsel for the petitioner pointed out that there are certain infirmities and inconsistencies in this case, and also there are 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 also considering the age 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, this petition is allowed, and the relief of suspension of sentence 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 Judicial Magistrate, Ambasamudram.

(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



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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/-
12/11/2024

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/11/2024

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

mkn

TO

1 THE III ADDITIONAL DISTRICT AND SESSIONS JUDGE,
TIRUNELVELI.

2 THE JUDICIAL MAGISTRATE,
AMBASAMUDRAM.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

4 THE INSPECTOR OF POLICE,
KALLED AIKURICHI POLICE STATION,
THIRUNELVELI.

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

+1 CC to M/s.R.VENKATESH, Advocate (SR-13888[I] dated 12/11/2024)



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ORDER

IN

CRL MP(MD) No.11996 of 2024

in

CRL RC(MD) No.1108 of 2024

Date :12/11/2024

RS/VR/SAR-(21.11.2024) 6P 7C

Madurai Bench of Madras High Court is issuing
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