



CRL.M.P(MD).No.12029 of 2024

WEB COPY

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

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

PRESENT

The HONOURABLE MR. JUSTICE P. VADAMALAI

CRL.M.P(MD).No.12029 of 2024

in

CRL.R.C(MD)No.1118 of 2024

KARTHICK

... PETITIONER/PETITIONER

Vs

THE SUB INSPECTOR OF POLICE,
PALANI TOWN POLICE STATION,
DINDIGUL DISTRICT.

CR.No.554/2015

... 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 him on bail by suspending the sentence imposed in C.A.No.3 of 2020 by the Additional District Court (Fast Track Court), Palani, dated 04.09.2024 confirming the Judgment made in C.C.No.327 of 2018 by the Fast Track Court (Judicial Magisterial Level), Palani dated 10.12.2019, pending disposal of the above criminal revision case.

Prayer in CRL RC(MD). 1118/ 2024 :

To call for the recordsn and set aside the Judgment made in C.A.No.3 of 2020 by the Additional District Court (Fast Track Court),Palani, dated 04.09.2024 confirming the judgment made in C.c.No.327 of 2018 by the Fast Track Court (Judicial Magisterial Level), Palani dated 10.12.2019.



CRL.M.P(MD).No.12029 of 2024

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.D.VENKATESH, Advocate for the petitioner and of Mr.M.VAIKKAM KARUNANIDHI, Government Advocate 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 Fast Track Court (Judicial Magisterial Level), Palani in C.C.No.327 of 2018, dated 10.12.2019, which was confirmed in Criminal Appeal No.3 of 2020, dated 04.09.2024, by the learned Additional District Judge (Fast Track Court), Palani, pending disposal of the Criminal Revision Case in CrI.R.C.(MD)No.1118 of 2024.

2. The case of the prosecution is that on 12.06.2015 at about 4.00 a.m., while the de-facto complainant and one Selvaraj were riding their bullock carts on Palani Shanmuganathi Bypass Road, the accused, who was riding a lorry bearing registration No.TN 39 Y 7696 in a rash and negligent manner, had initially collided with the bullock cart driven by the said Selvaraj, and with the same pace, the accused had also collided with the de-facto complainant's bullock cart. Due to that collision, Selvaraj and one bull had died, and the de-facto complainant had sustained injuries. Hence, a First Information Report in Crime No.554 of 2015 came to be registered by the respondent police as against the accused for the offence under Sections 279, 337, 304(A) and 429 of IPC.



CRL.M.P(MD).No.12029 of 2024

WEB COPY

3. The respondent, after completing the investigation, has filed the final report and the same was taken on file in C.C.No.327 of 2018 on the file of the Fast Track Court (Judicial Magisterial Level), Palani.

4. The learned counsel appearing for the petitioner submitted that the petitioner/accused has been convicted by the trial Court on 10.12.2019, and the trial Court sentenced the accused to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1,000/- in default to undergo simple imprisonment for a period of three weeks for the offence under Section 304(A) of IPC, and to pay a fine of Rs.500/- in default to undergo simple imprisonment for a period of three weeks for the offence under Section 279 of IPC, and to pay a fine of Rs.500/- in default to undergo simple imprisonment for a period of three weeks for the offence under Section 337 of IPC, and the sentences were ordered to run concurrently.

5. Challenging the above said conviction and sentence, the petitioner has preferred an appeal in Criminal Appeal No.3 of 2020 on the file of the learned Additional District Judge (Fast Track Court), Palani. The learned Additional District Judge (Fast Track Court), Palani by confirming the said conviction and sentence, dismissed the appeal on 04.09.2024. 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.



CRL.M.P(MD).No.12029 of 2024

WEB COPY

6. It is submitted by the learned counsel for the petitioner 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 petitioner and hence, he opposed to grant suspension of sentence.

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, 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



CRL.M.P(MD).No.12029 of 2024

WEB COPY

like sum to the satisfaction of the Fast Track Court (Judicial Magisterial Level), Palani.

(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.

sd/-
12/11/2024

/ TRUE COPY /

/11/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MKN
TO

1 THE ADDITIONAL DISTRICT JUDGE,
(FAST TRACK COURT), PALANI.

2 THE FAST TRACK JUDGE,
(JUDICIAL MAGISTERIAL LEVEL), PALANI.

3 THE SUB INSPECTOR OF POLICE,
PALANI TOWN POLICE STATION,
DINDIGUL DISTRICT.

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

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



CRL.M.P(MD).No.12029 of 2024

COPY TO:

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

ORDER
IN
CRL.M.P(MD).No.12029 of 2024
in
CRL.R.C(MD)No.1118 of 2024
Date :12/11/2024

SA/SA/SAR. /22.11.2024/6P/6C

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