



Crl.M.P.(MD) No.83 of 2024

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

Friday, the Fifth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

Crl.M.P.(MD) No.83 of 2024

in

Crl.R.C(MD) No.13 of 2024

GANESAN

... PETITIONER/ APPELLANT

NOW CONFINED AT,
CENTRAL PRISON,
MADURAI DISTRICT.

Vs

THE INSPECTOR OF POLICE
IRUKKANGUDI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO.177 OF 2014.

... 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 on the petitioner vide order dt.31.07.2023 made in Crl.A.No.71 of 2019 on the file of the Learned Additional District and Sessions Judge, Srivilliputhur confirming the conviction and sentence imposed by the Learned Judicial Magistrate No.II, Sattur in C.C.No.62 of 2015 till the disposal of above Criminal Revision Petition.

Prayer in CRL RC(MD). 13/ 2024 :

To call for the records of the Judgment dt.31.07.2023 passed in C.A.No.71 of 2019 on the file of the Learned Additional District and Sessions Judge, Srivilliputhur

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



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confirming order dt.20.06.2019 in C.C.No.62 of 2015 on the file of the Learned Judicial Magistrate No.II, Sattur, Virudhunagr District and set aside the same.

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. P.M. VISHNUVARTHANAN, Advocate for the petitioner and of MR.A.THIRUVADI KUMAR, Additional Public Prosecutor, on behalf of the Respondent, while admitting the Criminal Revision case, 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 Additional District and Sessions Judge, Srivilliputhur, in Crl.A.No.71 of 2019 dated 31.07.2023 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.26 of 2012 on the file of the respondent/Inspector of Police, Irukkangudi Police Station, for the offences punishable under Sections 279, 337, 338 and 304(A) of IPC and the same was taken on file in C.C.No.62 of 2015 before the learned Judicial Magistrate No.II, Sattur. The petitioner was convicted and sentenced to undergo one month simple imprisonment and a fine of Rs.1,000/- with one month simple imprisonment in case of default under Section 279 of IPC and to undergo three months rigorous imprisonment and a



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fine of Rs.500/- with one month simple imprisonment in case of default under Section 337 of IPC and to undergo six months rigorous imprisonment and a fine of Rs.1000/- with three months simple imprisonment in case of default under Section 338 of IPC and to undergo one year rigorous imprisonment and a fine of Rs.5,000/- 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 Criminal Appeal before the learned Additional District and Sessions Judge, Srivilliputhur, in Crl.A.No.71 of 2019 and the same was also dismissed on 31.07.2023. 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. Learned counsel for the petitioner further submitted that the prosecution failed to prove the allegation levelled against him and corroborate the evidence of prosecution witnesses and accordingly, the learned counsel prays for suspension of sentence.

3. Per contra, Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor 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 he opposed for



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allowing this petition.

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4. Heard the learned counsel on either side and perused the materials available on record.

5. 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.

6. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned Additional District and Sessions Judge, Srivilliputtur, in Crl.A.No.71 of 2019 dated 31.07.2023 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 Additional District and Sessions Judge, Srivilliputtur.

ii) The petitioner shall appear and sign before the learned Additional District and Sessions Judge, Srivilliputtur, on the first working day of every English calender



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month at 10.30 a.m., until further orders.

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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.

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

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

sd/-
05/01/2024

/ TRUE COPY /

09/01/2024
Sub-Assistant Registrar (C.S. -I/ II/ III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

rm

TO

1.THE ADDITIONAL DISTRICT AND SESSIONS JUDGE, SRIVILLIPUTHUR

2.THE JUDICIAL MAGISTRATE NO.II, SATTUR

3.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUANGAR DISTRICT @ SRIVILLIPUTHUR.



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4.THE INSPECTOR OF POLICE
IRUKKANGUDI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

5.THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.

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

+1 CC to M/s.P.M.VISHNUVARTHANAN, Advocate (SR-282[I] dated 05/01/2024)

ORDER
IN
Crl.M.P.(MD) No.83 of 2024
in
Crl.R.C(MD) No.13 of 2024
Date :05/01/2024

RK/ (09/01/2024) 6P / 8C

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