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Crl.M.P.Nos.17724 & 18647 of 2024 in Crl.R.C.No.2276 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.Nos.17724 & 18647 of 2024
in Crl.R.C.No.2276 of 2024

B.Sankar

... Petitioner/Sole Accused

Vs.

The State

Rep. by the Inspector of Police,

Poraiyur Police Station,

Poraiyur, Mayiladuthurai District.

(Crime No.189 of 2011) ... Respondent

PRAYER in Crl.M.P.No.17724 of 2024: Criminal Miscellaneous Petition filed under Section 482 of Cr.P.C., to suspend the sentence imposed in Crl.A.No.21 of 2021 dated 04.07.2024 on the file of the learned District Judge, Mayiladuthurai, in confirming the Judgment dated 18.10.2021 passed in C.C.No.27 of 2019 by the learned District Munsif cum Judicial Magistrate, Tharangambadi till the disposal of above Criminal Revision.

PRAYER in Crl.M.P.No.18647 of 2024: Criminal Miscellaneous Petition filed under Section 482 of Cr.P.C, to exempt the petitioner from surrendering pursuant to the order of conviction passed in C.C.No.27 of 2019 dated 18.10.2021 on the file of the learned District Munsif cum



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Judicial Magistrate, Tharangambadi, which was confirmed in Crl.A.No.21 of 2021 dated 04.07.2024 on the file of the District Judge, Mayiladuthurai, pending disposal of the present Criminal Revision Petition.

For Petitioner : Mr.R.Dhanasekar
For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)

COMMON ORDER

These Criminal Miscellaneous Petitions have been filed seeking to suspend the sentence imposed on the petitioner/accused by judgment dated 18.10.2021 passed in C.C.No.27 of 2019 by the learned District Munsif cum Judicial Magistrate, Tharangambadi and confirmed by the learned District Judge, Mayiladuthurai vide Judgment dated 04.07.2024 in Crl.A.No.21 of 2021 and enlarge the petitioner on bail and to exempt him from surrendering before the trial Court, pending disposal of the above revision.

2. It is the case of the prosecution that on 18.05.2011 at about 3.30 p.m., when the deceased along with his friend were travelling in a two-wheeler, the petitioner drove his TATA Ace bearing Regn.No.TN49 AY 4662 in the opposite direction in a rash and negligent manner and



collided with the vehicle of the deceased, which resulted in the death of the deceased.

3. The petitioner was convicted by the trial Court for the offences under Sections 279, 338 and 304(A) of the IPC and sentenced as follows:

Offence under Section	Sentence imposed
279 IPC	To undergo SI for two months and to pay a fine of Rs.500/-, in default to undergo SI for one week.
338 IPC	To undergo SI for four months and to pay a fine of Rs.750/-, in default to undergo SI for one week.
304 (A) IPC	To undergo SI for one year and to pay a fine of Rs.1.500/-, in default to undergo SI for two weeks.
The sentences were directed to run concurrently.	

On appeal, the said conviction and sentence was confirmed by the lower Appellate Court. Hence, the revision and pending revision, the petitioner seeks suspension of sentence and exemption from surrendering.

4. The learned counsel for the petitioner would submit that the evidence adduced on the side of the prosecution would clearly show that the petitioner is not guilty of rash and negligence; that there are several arguable points in the above revision, which requires consideration and in any case, the petitioner, who is aged about 51 years is visually



impaired; and therefore, prayed for grant of suspension of sentence.

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5. The learned Government Advocate (Crl.Side) on instructions would submit that the petitioner is suffering from 90% visual impairment and produced the certificate issued by the Assistant Surgeon, Government Hospital, which confirms the said fact.

6. Considered the submissions made on either side and perused the materials available on record.

7. Considering the fact that the petitioner has raised substantial grounds in this revision, which require consideration and that the revision is not likely to be taken up in the near future and also the fact that the petitioner is visually impaired, this Court is inclined to suspend the sentence imposed on the petitioner/accused and exempt him from surrendering before the trial Court.

8. Accordingly, these criminal miscellaneous petitions stand **allowed.** The sentence of imprisonment imposed on the



petitioner/Accused, is suspended and he is exempted from surrendering before the trial court, on the following conditions till the disposal of the above Criminal Revision:

- (i) The petitioner shall execute a bond for a sum of Rs.10,000/- with two sureties, each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Tharangambadi;
- (ii) The petitioner and 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 and mobile numbers to ensure their identity; and
- (iii) The petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the revision 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 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.

02.01.2025

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To

1. The District Judge,
Mayiladuthurai.

2. The District Munsif cum Judicial Magistrate,
Tharangambadi

3. Inspector of Police,
Poraiyur Police Station,
Poraiyur, Mayiladuthurai District.

4. The Public Prosecutor,
High Court, Madras.

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SUNDER MOHAN, J.

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