



in CRL RC(MD) NO.284 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04-03-2025

CORAM

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) NOs.2841 and 2842 of 2025
in CRL RC(MD) NO.284 of 2025

Arunkumar

**Petitioner in both
the petitions**

Vs

The State of Tamilnadu represented by
The Inspector of Police,
Boothapandi Police Station,
Kanyakumari District.
(Crime No.120 of 2018)

**Respondent in
both the petitions**

For Petitioner in both the petitions :
Mr.G.Mariappan, Advocate

For Respondent in both the petitions :
Mrs.M.Aasha,
Government Advocate (Crl. Side)

COMMON ORDER

These Criminal Miscellaneous Petitions have been filed (i) to suspend the sentence of imprisonment imposed on the petitioner/sole accused by the learned



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District Munsif cum Judicial Magistrate, Boothapandi, in C.C.No.6 of 2019, dated 13.06.2023, which was confirmed by the learned Additional District and Sessions Judge (Fast Track Court), Nagercoil, in Crl.A.No.70 of 2023, dated 27.01.2025 and (ii) to exempt the petitioner to surrender before the trial Court.

2. The case of the prosecution is that on 22.04.2018 at about 11.30 p.m., the petitioner had driven his two wheeler bearing Registration No.TN-74-AR-7461 in a rash and negligent manner and dashed against the pedestrian Kumaravel and as a result of which, the said Kumaravel succumbed to the injuries and on the basis of the complaint lodged by the defacto complainant, FIR came to be registered in Crime No.120 of 2018.

3. The respondent police, after completing the investigation, has filed the final report and the case was taken on file in C.C.No.6 of 2019 and the same was pending on the file of the District Munsif cum Judicial Magistrate, Boothapandi.

4. During trial, the prosecution has examined 12 witnesses as P.W.1 to P.W.12 and exhibited 7 documents as Ex.P.1 to Ex.P.7. The accused has adduced neither oral nor documentary evidence.



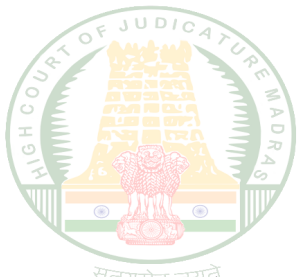
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5. The learned trial Judge, upon considering the evidence both oral and documentary and on hearing the arguments of both the sides, has passed the judgment dated 13.06.2023 convicting the petitioner/sole accused for the offence under Section 304(A) IPC and sentenced him to undergo 6 months Simple Imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo 1 month Simple Imprisonment. Challenging the above said conviction and sentence, the petitioner has preferred an appeal in CrI.A.No.70 of 2023 on the file of the Additional District and Sessions (FTC), Nagercoil. The learned Appellate Judge confirmed the conviction and sentence and dismissed the appeal. Aggrieved by the same, the petitioner has preferred the present Criminal Revision Case along with the above miscellaneous petitions.

6. The learned counsel appearing for the petitioner would submit that the petitioner has already 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



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respondent would submit that there are enough materials available on record against the petitioner and hence, she strongly opposed to grant suspension of sentence.

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 as such, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

10. In the result, the Criminal Miscellaneous Petition in Crl.M.P.(MD)No.2841 of 2025 is **ordered**. Accordingly, 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 District Munsif cum Judicial Magistrate,

Boothapandi;



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(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** 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 355 B.N.S.S. 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.

11. Accordingly, Crl.M.P.(MD)No.2842 of 2025 is **dismissed**.

sd/-
04/03/2025

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/03/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM



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- 1 THE ADDITIONAL DISTRICT
SESSIONS JUDGE(FAST TRACK), NAGERCOIL.
- 2 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, BOOTHAPANDI.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMARI DISTRICT AT NAGERCOIL.
- 4 THE INSPECTOR OF POLICE,
BOOTHAPANDI POLICE STATION,
KANNIYAKUMARI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2 CC to M/s.G.MARIAPPAN, Advocate (SR-2354,2355[I] dated 04/03/2025)

ORDER
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in CRL RC(MD) NO.284 of 2025
Date :04/03/2025

SS/GSV/SAR- /14/03/2025/ 6P/8C

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