



CRL MP(MD) No.6366 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.06.2025

CORAM
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL MP(MD) No.6366 of 2025

in

CRL RC(MD) No.575 of 2025

Boobathi Raj

Petitioner/Petitioner

Vs

State of Tamilnadu rep. by its

The Inspector of Police,

Thennilai Police Station,

Karur.

...Respondent/Respondent

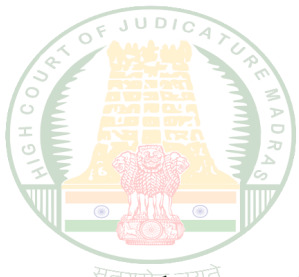
For Petitioner: Mr.A.Sivasubramanian, Advocate

For Respondent:Mr.S.S.Manoj

Government Advocate (Criminal Side)

Prayer in CRL MP(MD).6366 of 2025 :

This Criminal Miscellaneous Petition filed under Section 438(1) B.N.S.S. praying to suspend the sentence passed in the judgment by the learned Principal District and Sessions Judge, Karur in C.A.No.16 of 2023 by judgment dated 09.07.2024 as confirming the conviction and sentence imposed by the Learned District Munsif cum Judicial Magistrate, Aravakurichi in C.C.No.9 of 2020 vide judgment, dated 14.12.2022 pending the disposal of the main criminal revision



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pending on the file of this Court.

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ORDER

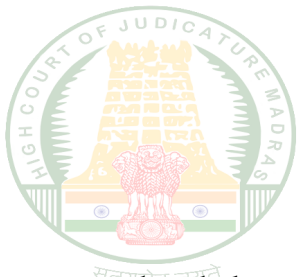
This Criminal Miscellaneous Petition has been filed to suspend the sentence passed in the judgment by the learned Principal District and Sessions Judge, Karur in C.A.No.16 of 2023 by judgment dated 09.07.2024 as confirming the conviction and sentence imposed by the Learned District Munsif cum Judicial Magistrate, Aravakurichi in C.C.No.9 of 2020 vide judgment, dated 14.12.2022 pending the disposal of the main criminal revision pending on the file of this Court.

2. The case of the prosecution is that on 27.05.2019 at about 4.30 a.m., when the deceased was riding his motor cycle, the petitioner, who is a Government Bus Driver had driven the bus in a rash and negligent manner and dashed against the motor cycle. In which, the rider of the motor cycle had died and the pillion rider had sustained grievous injuries. Hence, FIR came to be registered in Crime No.102 of 2019.

3. The respondent police, after completing the investigation, has filed the final report against the accused under Sections 279, 338 and 304 (A) of IPC and the case was taken on file in C.C.No.9 of 2020 and the same was pending on the file of the District Munsif cum Judicial Magistrate, Aravakurichi.

4. During trial, the prosecution has examined 9 witnesses as P.W.1 to P.W.9

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



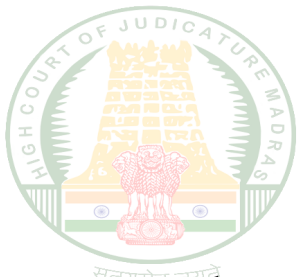
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and exhibited 12 documents as Ex.P.1 to Ex.P.12. The accused has adduced neither oral nor documentary evidence.

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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 a judgment dated 14.12.2022 convicting the petitioner for the offence under Section 279 of IPC, sentenced him to undergo 6 months simple imprisonment and to pay a fine of Rs.1000/-, in default, to undergo 1 month simple imprisonment and for the offence under Section 338 of IPC, sentenced him to undergo 1 year simple imprisonment and to pay a fine of Rs.1000/-, in default, to undergo 1 month simple imprisonment and for the offence under Section 304(a) of IPC, sentenced him to undergo 1 year simple imprisonment and to pay a fine of Rs.2000/-, in default, to undergo 2 months simple imprisonment. Challenging the above said conviction and sentence, the petitioner has preferred appeal in C.A.No.16 of 2023 on the file of the Principal District Sessions Judge, Karur. The learned Principal District Sessions Judge, Karur, by confirming the conviction and sentence, dismissed the appeal. Aggrieved by the same, the petitioner has preferred the present Criminal Revision Case along with the above miscellaneous petition.

6. The learned counsel appearing for the petitioner would submit that there are several infirmities in the prosecution case and further there are contradictions in



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material particulars between the evidence of the prosecution witnesses.

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7. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that there are enough materials available on record against the petitioners and hence, he strongly opposed to grant suspension of sentence.

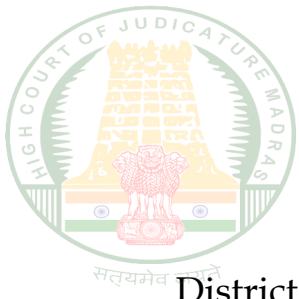
8. This Court has carefully considered the rival contentions putforth by either side and also perused the materials available on record.

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 these 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, this Criminal Miscellaneous Petition is ordered. Accordingly, the relief of suspension of sentence is granted to the petitioner on the following conditions:-

(i) the petitioner is directed to be enlarged on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only)

with two sureties each for a like sum to the satisfaction of the learned



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District Munsif cum Judicial Magistrate, Aravakurichi ;

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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 at 10.30 a.m. on the first working day of every English Calendar month until further orders.

11. Accordingly, this Miscellaneous Petition is ordered.

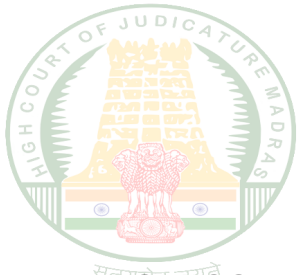
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/06/2025
Sub-Assistant Registrar (C.S.-I/ II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gbg
TO

- 1 THE PRICIPAL DISTRICT AND SESSIONS JUDGE, KARUR.
- 2 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, ARAVAKURICHI.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.
- 4 THE INSPECTOR OF POLICE, THENNILAI POLICE STATION, KARUR.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR MADURAI BENCH OF MADRAS



HIGH COURT, MADURAI.
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ORDER
IN
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in
CRL RC(MD) No.575 of 2025
Date :02/06/2025

NBF/06.06.2025 6P/6C

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