



in CRL RC(MD) No. 531 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25-04-2025

CORAM

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) Nos. 5610 and 5611 of 2025

in CRL RC(MD) No. 531 of 2025

Moovarnam

Petitioner

Vs

State of Tamil Nadu

Rep.by the Inspector of Police,

Mallanginar Police station,

Virudhunagar District.

Crime No.205 of 2015.

Respondent

Prayer in CRL MP(MD) No. 5610 of 2025 : Criminal Miscellaneous Petition filed under Section 438(1) of Cr.P.C., seeking orders to suspend the sentence imposed by the learned Additional District and Sessions Judge, Virudhunagar in Crl.A.No.21 of 2022 by judgment, dated 02.01.2025 confirming the conviction and sentence imposed by the learned Judicial Magistrate No.I, Virudhunagar in C.C.No.92 of 2016, dated 24.06.2022 .

Prayer in CRL RC(MD) No. 375 of 2025 : Criminal Revision Petition filed under Sections 438 r/w 442 BNSS, to call for the records of the learned Additional District and Sessions judge, Virudhunagar in Crl.A.No.21 of 2022 by judgment, dated 02.01.2025, confirming the conviction and modifying the sentence of imprisonment imposed by the learned Judicial Magistrate No.I, Virudhunagar in C.C.No.92 of 2016, dated 24.06.2022 and set aside the same.



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For Petitioner :

Mr.S.Arockiya Selva Ramesh.

For Respondent :

Mrs.M.Aasha,
Government Advocate (Criminal Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed by the learned Additional District and Sessions Judge, Virudhunagar in Crl.A.No.21 of 2022 by judgment, dated 02.01.2025 confirming the conviction and sentence imposed by the learned Judicial Magistrate No.I, Virudhunagar in C.C.No.92 of 2016, dated 24.06.2022 .

2. The case of the prosecution is that the deceased after completion of his work used to go by bus from Aruppukottai to Kallakurichi; that on 27.11.2015 at about 09.30 pm, deceased Manikandan was travelling in a private JMS bus bearing Reg.No.TN-67-AD-6952; that he was sitting on the seat-near the front door of the bus; that the petitioner/driver of the bus, drove the bus in a rash and negligent manner, at that time, the said Manikandan, who was sitting near the front door steps, fell down on the road and left back side wheel of the bus ran over him and that the deceased sustained grievous injuries and died on the spot. A case was registered in Crime No.205 of 2015 and after investigation, Charge sheet has been filed and the same was taken on file in C.C.No.92 of 2016 on the file of the learned Judicial Magistrate



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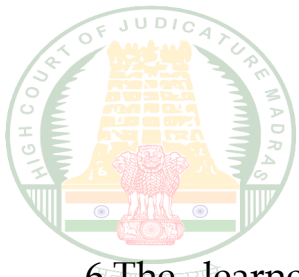
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No.1, Virudhunagar District. After trial, the petitioner was convicted by the trial Court for the offence under Section 304 IPC and sentenced him to undergo one year simple imprisonment and to pay a fine of Rs.5,000/- in default to undergo six months simple imprisonment. Against the conviction and sentence imposed by the trial Court, the petitioner has filed an appeal in Crl.A.No.21 of 2022 on the file of the Additional District and Sessions Judge, Virudhunagar. The appellate Court confirmed the conviction and the sentence imposed by the trial Court and dismissed the appeal. Aggrieved by the said dismissal, the petitioner has preferred the present Criminal Revision Case along with the Criminal Miscellaneous Petition seeking suspension of sentence.

3.The learned counsel appearing for the petitioner would 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. He would further submit that the petitioner is not having any other previous cases.

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

5.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.



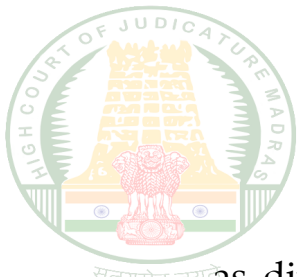
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6.The learned counsel appearing for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal 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.

7. In the result, the Criminal Miscellaneous Petition in CrI.M.P(MD)No.5610 of 2025, is allowed. 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 learned learned Judicial Magistrate No.I, Virudhunagar ;
- (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 of BNSS (Section 317 of Cr.P.C) and shall appear before the trial Court on any other day in lieu of the date of his absence,



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as directed by the trial Court. Consequently, Crl.M.P.(MD)No.5611 of 2025, is dismissed.

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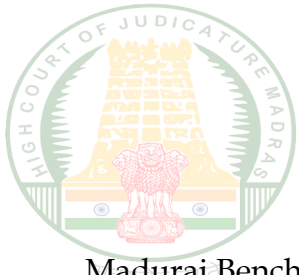
Sub-Assistant Registrar (C.S.-I/ II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

das
TO

- 1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE, VIRUDHUNAGAR.
- 2 THE JUDICIAL MAGISTRATE NO.I, VIRUDHUNAGAR.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 5 THE INSPECTOR OF POLICE,
MALLANGINAR POLICE STATION, VIRUDHUNAGAR DISTRICT.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR MADURAI BENCH OF MADRAS
HIGH COURT, MADURAI.

ORDER
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in
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Date :25/04/2025

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