



CRL MP(MD) NO. 7046 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.06.2025

CORAM
THE HONOURABLE MRS JUSTICE L.VICTORIA GOWRI

CRL MP(MD) NO. 7046 of 2025

IN

CRL RC(MD) NO. 629 of 2025

Arun kumar

... Petitioner

Vs.

State Rep. By,
The Inspector of Police,
Velayuthampalayam Police Station,
Karur District.
Cr.No.107/2019

... Respondent

Prayer : This Criminal Miscellaneous Petition is filed under Section 377(1) of Cr.P.C., (U/s. 438(i) of BNSS) to Suspend the Sentence passed against the petitioner in Crl.A.No.18 of 2023 on the file of the Principal Sessions Judge, Karur, by its judgment dated 27.08.2024 confirming the conviction and sentence passed by the Judicial Magistrate No.II, Karur in its judgment dated 05.01.2023 in C.C.No.23 of 2020 by convicting the petitioner for offence U/s. 304(A) of IPC and enlarge the



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petitioner on bail pending disposal of criminal revision petition.

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For Petitioner : Mr.M.Beema Rao

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

ORDER

This Criminal Miscellaneous Petition has been filed to Suspend the Sentence passed against the petitioner in Crl.A.No.18 of 2023 on the file of the Principal Sessions Judge, Karur, by its judgment dated 27.08.2024 confirming the conviction and sentence passed by the Judicial Magistrate No.II, Karur in its judgment dated 05.01.2023 in C.C.No.23 of 2020 by convicting the petitioner for offence U/s. 304(A) of IPC and enlarge the petitioner on bail pending disposal of criminal revision petition.

2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 05.01.2023 for the offence under Section 279 and 304(A) (2 counts) of IPC, and the trial Court sentenced him to pay a fine of Rs.1,000/-, in default to undergo simple imprisonment for a period of one month under Section 279 of IPC, further the accused was convicted to undergo one year simple imprisonment for each counts and to pay a fine of Rs.2,000/-, in default to undergo simple imprisonment for a period of three months under Section 304(A) (2counts) of IPC in C.C.No.23 of 2020 on the file of the learned Judicial Magistrate



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No. II, Karur.

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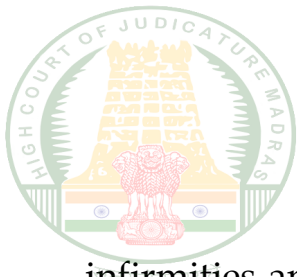
3. The learned Principal Sessions Judge, Karur, confirmed the conviction, and confirmed the sentence and dismissed the Criminal Appeal No.18 of 2023, dated 27.08.2024. Challenging the same, the present Criminal Revision Case has been filed before this Court along with this Criminal Miscellaneous Petition seeking suspension of sentence.

4. The learned counsel for the petitioner submitted that there are several infirmities in the prosecution case, and also there are contradictions in material particulars between the evidence of the prosecution witnesses.

5. The learned Additional Public Prosecutor appearing for the respondent would submit that the rash and negligent driving of the driver of the Bolero Pik up vehicle, causing death of two persons who came in the opposite direction in a two wheeler. Since it is a case of double death, the Trial Court had sentenced him to one year imprisonment and the same has been confirmed in the criminal appeal. He further submitted that the accused is absconding and hence, he strongly opposed to grant suspension of sentence.

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

7. The learned counsel for the petitioner pointed out that there are certain



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infirmities and inconsistencies in this case, and also there are 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, and also considering the fact that the petitioner is a family man and he has good chance of succeeding in the revision petition, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

8. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision with the following directions :

(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 Principal Sessions Judge, Karur;

(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 learned Principal



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Sessions Judge, Karur, once in a month i.e., on the first working day of every English calendar month at 10.30 a.m., until further orders.

sd/-
10/06/2025

/ TRUE COPY /

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

sml
TO

- 1 THE PRINCIPAL SESSIONS JUDGE, KARUR.
- 2 THE JUDICIAL MAGISTRATE NO.II, KARUR.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, KARUR.
- 4 THE INSPECTOR OF POLICE,
VELAYUTHAMPALAYAM POLICE STATION, KARUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR MADURAI BENCH OF MADRAS
HIGH COURT, MADURAI.

+1 CC to M/s.M.BEEMA RAO, Advocate (SR-6086[I] dated 10/06/2025)

ORDER
IN
CRL MP(MD) No.7046 of 2025
Date :10/06/2025

NBF/12.06.2025 5P/7C

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