



WEB COPY

CRL MP No. 6136 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL MP No. 6136 of 2026

IN

CRL RC NO. 775 OF 2026

Gnanasambandam
S/o. Subbae Gownder,
Kattampatti,
Coimbatore.

..Petitioner(s)

Vs

State by, The Inspector of Police,
Nehamam Police Station,
Coimbatore.
Cr.No.327 of 2016.

..Respondent(s)

PRAYER: Criminal Miscellaneous Petition filed under Section 330 & 483 of BNSS. to suspend the sentence imposed on the petitioner in CrI.A.No.90 of 2022 on the file of the IV Additional District and Sessions Judge, Coimbatore dated 27.02.2026 modifying the judgment and sentence passed in C.C.No.05 of 2018 on the file of the Judicial Magistrate No.2, Pollachi, dated 22.08.2022, pending revision.

For Petitioner(s):

Mr.B.Kumarasamy

For Respondent(s):

Mr.R.Kishore Kumar
Government Advocate (Crl.Side)

ORDER

The petitioner has preferred the above revision challenging the judgment



dated 27.02.2026 passed by the learned IV Additional District and Sessions Judge, Coimbatore, in Crl.A.No.90 of 2022, modifying the judgment dated 22.08.2022 passed in C.C.No.05 of 2018 on the file of the learned Judicial Magistrate No.2, Pollachi, pending disposal of the above criminal revision, and to enlarge the petitioner on bail.

2. The petitioner has been convicted and sentenced by the learned Trial Judge as follows:-

Accused	Conviction under Sections	Sentence awarded
A1	U/s. 304(A) IPC (2 counts)	One year rigorous imprisonment and fine of Rs.25,000/- in default to undergo one month simple imprisonment

3. Aggrieved by the same, the petitioner filed a Criminal Appeal in C.A.No.90 of 2022, and the same was dismissed by the learned IV Additional District and Sessions Judge, Coimbatore, by modifying the judgment dated 22.08.2022 passed in C.C.No.05 of 2018. Aggrieved by the same, the petitioner has filed criminal miscellaneous petitions seeking suspension of sentence and exemption from surrendering before the Trial Court.



4. The learned counsel for the petitioner submitted that the petitioner was convicted for the offence under Section 304(A) of IPC (2 counts). He further submitted that there was no rash and negligent act on the part of the petitioner, as he had engaged P.W.1 & P.W.2 to maintain the water tank. However, they failed to exercise due care and allowed their children to play on the tank, resulting in the accident. He further submitted that the petitioner was convicted before the trial Court dated 22.08.2022 in CC.No.05 of 2018 and sentenced him to undergo one year rigorous imprisonment and that the 1st appellate court modified the judgment on 27.02.2026 in Crl.A.No.90 of 2022 and sentenced him to undergo two months simple imprisonment (2 counts) and fine of Rs.25,000/- in default to undergo one month simple imprisonment. Hence, he has raised substantial grounds in this revision.

5. I have given my anxious consideration to the submissions made by the learned counsel on either side and also perused the records available.

6. On perusal of the revision petition, it is seen that the petitioner has raised various grounds challenging the judgment of the Court below, which require detailed examination and consideration.

7. Considering the above aspects, this Court is inclined to suspend the sentence before the Trial Court.



8. Accordingly, the Criminal Miscellaneous Petition stands **allowed**; the sentence imposed on the petitioner is suspended before the Trial Court till the disposal of the above criminal revision case. The petitioner shall be released on bail subject to 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 Judicial Magistrate No.2, Pollachi;
- (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.

9. Further, one week time is granted to the petitioner to pay a fine amount from the date of receipt of a copy of this order.

07-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
DRL



To

1.The Judicial Magistrate No.2,
Pollachi.

2.The IV Additional District and Sessions Judge,
Coimbatore.

3.The Inspector of Police,
Nehamam Police Station,
Coimbatore.

4.The Public Prosecutor,
High Court, Madras.



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C.KUMARAPPAN, J.

DRL

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