



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2026

CORAM

THE HON'BLE MR.JUSTICE SHAMIM AHMED

**CRL MP NO. 12491 OF 2026
in CRL RC No. 1454 of 2026**

Elumalai

..Petitioner(s)

Vs

The Inspector of Police
J-2, Adyar Traffic Investigation Wing,
Adyar, Chennai-600 090
J-2 P.S. Crime No.168/AM2/2014.

..Respondent(s)

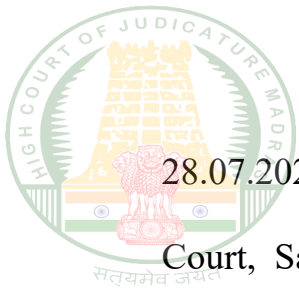
PRAYER – This Criminal Miscellaneous Petition is filed under Section 430 of BNSS Act, to call suspend the sentence imposed upon the petitioner by judgement dated 28.07.2023 in C.C.No.2184 of 2015 on the file of the Learned IV Metropolitan Magistrate Court, Saidapet, Chennai which is confirmed by order dated 08.04.2026 in C.A.No.526 of 2023 on the file of the Learned XXII Additional Sessions Judge, at Chennai pending disposal of the revision and enlarge the petitioner on bail.

For Petitioner(s): Mr.Thiyagarajan B

For Respondent(s): Mr.M.M.Khaleel
Government Advocate (Criminal Side)

ORDER

This Criminal Miscellaneous Petition has been filed by the Revision Petitioner, praying to suspend the sentence imposed on him in C.A. No. 526 of 2023, by order dated 08.04.2026, by the XXII Additional Sessions Judge, at Chennai, confirming the Judgement of conviction and sentence and order, dated



28.07.2023 made in C.C. No.2184 of 2015, by the IV Metropolitan Magistrate Court, Saidapet, Chennai, till the disposal of the instant Criminal Revision Petition.

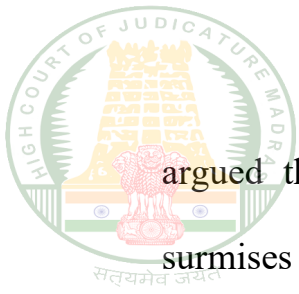
2.By the impugned judgement of conviction, sentence and order of the Trial Court, the Revision Petitioner was convicted and sentenced for offences under Section 138 of I.P.C., to undergo one month simple imprisonment and to pay a sum of Rs.1,000/- as fine, in default to undergo simple imprisonment for one week and for offences under Section 304 (A)(2 Counts) of I.P.C., to undergo simple imprisonment of six months for each count and to pay a fine of Rs.5,000/- for each count, in default to undergo one month simple imprisonment for each count.

3.Challenging the above said judgement of conviction and sentence and order, the Revision Petitioner has filed the above Crl. RC.No.1454 of 2026, along with the instant Criminal Miscellaneous Petition, seeking suspension of sentence and bail pending disposal of the Criminal Revision.

4.This Court heard Mr.Thiyagarajan B, the learned counsel for the Revision Petitioner and Mr.M.M.I.Khaleel, learned Government Advocate appearing for the Respondent and considered their submissions and also perused materials placed before this Court.



5. The learned counsel for the Revision Petitioner has submitted that the prosecution has put up a case as against the petitioner stating that on 02.03.2014, when the deceased Paneer Selvam and his friend Sridhar was travelling in a two wheeler bearing Registration No.TN 06 2764 at Aavi Shanmugam Road, in front of Gopalapuram Post Office from West to East direction, the petitioner who drove the MTC Bus bearing Registration No.TN -1 N 7309 from East to West in a rash and negligent manner, dashed against the two wheeler and caused the accident. In the said accident, both the Panneer Selvam and Sridhar died. The Appellate Court erred in believing the evidence of P.W.1, who is the brother of the deceased, an interested witness. The Appellate Court failed to consider the lack of contradictory evidence between the prosecution's witness and exhibits. The Appellate Court failed to analyse that P.W.1 in his cross examination deposed that no vehicle was passing in the alleged place of occurrence, while P.W.10 deposed that the road where the accident took place is a wide road. When no vehicles were present, there is no necessity for the accused to travel on the right side of the road. Hence, it is evident that the petitioner was not overtaking any vehicle and no vehicle was driven in front of the petitioner. Accordingly, the petitioner did not drove the bus in the opposite road. This aspect was ignored by the Appellate Court. In the light of the above infirmities and discrepancies in the evidence of the prosecution witnesses, both the Courts below have failed to consider that the prosecution has not proved its case beyond reasonable doubt. It was further

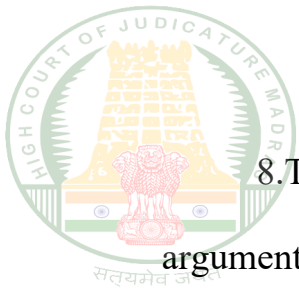


argued that the judgment passed by both the Courts below was based on surmises and conjectures, without considering the entire evidence on record.

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6.It is further argued that due to pendency of the criminal cases before this High Court, there is a blinking chance that in the near future, this Criminal Revision Case will be finally heard and decided. It is further submitted that there are arguable points in this Criminal Revision Case and the Revision Petitioner has a fair chance of success in this Criminal Revision Case. Thus, the learned counsel for the Revision Petitioner prayed for suspension of sentence and bail, till the disposal of this Criminal Revision Petition.

7.Several other submissions in order to demonstrate the falsity of the allegations made against the Revision Petitioner have also been placed forth before the Court. The circumstances which, according to the counsel, led to the false implication of the accused have also been touched upon at length. It has been assured on behalf of the Revision Petitioner that he is ready to cooperate with the process of law and shall faithfully make himself available before the Court, whenever required and is also ready to accept all the conditions, which the Court may deem fit to impose upon him. The Revision Petitioner undertake that in case he is released on bail, he will not misuse the liberty of bail and will cooperate in disposal of Revision Petition.



8. The learned Government Advocate for the Respondent has opposed the argument advanced by the learned counsel for the Revision Petitioner and submits that the judgements passed by the Courts below are as per the law after considering the entire evidences and thus, the relief sought by the Revision Petitioner at this stage, be refused by this Court.

9. Considering the arguments advanced by the learned counsel for the Revision Petitioner as well as the learned counsel for the Respondent, this Court is of the view that the Trial Court has failed to appreciate the evidence on record and the judgment was passed without considering the entire materials placed before it and during the Trial the Revision Petitioner was also on bail.

10. Further, it is observed that when the accused had been under incarceration for sometime and when there are points in the Revision, which favour the accused, then the Courts should not shy from granting suspension of sentence, as the liberty of the individual would be at stake, if the revision results in acquittal at a later point of time. In this regard, the decision of the Hon'ble Supreme Court of India, in the case of *Rabi Prakash Vs. The State of Odhisha* reported in 2023 Live Law (SC) 533 is of relevance.

11. The Revision Petitioner has raised substantial grounds in the Revision, which require detailed appraisal. Further, the Revision is not likely to be taken



up in the near future. In such view of the matter, this Court is of the view that the Revision Petitioner is entitled to the relief of suspension of sentence and bail.

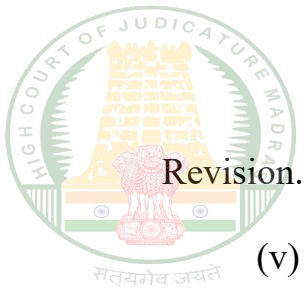
12. Accordingly, pending the Criminal Revision Case, the relief of suspension of sentence and bail is granted to Revision Petitioner, namely, Elumalai, S/o. Ramachandran, on the following conditions:-

(i) The Revision Petitioner shall surrender before the IV Metropolitan Magistrate Court, Saidapet, Chennai, within three weeks from the date of receipt of a copy of this order and on such surrender, the Revision Petitioner is ordered to be released on bail, on his executing a personal bond, along with two sureties for a sum of **Rs.15,000/-** (Rupees fifteen thousand only) each, subject to furnishing an undertaking that he will co-operate in the hearing of the present Revision.

(ii) The Revision Petitioner and sureties shall affix their Photographs and Left Thumb Impression in the bond and the above said Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity.

(iii) The Petitioner shall appear before the IV Metropolitan Magistrate Court, Saidapet, Chennai, once in every month, i.e., on 5th day of every month commencing from the month of August 2026 at 10.30 a.m., until further orders.

(iv) On acceptance of his bail bond and sureties, the Trial Court shall transmit photostat copies thereof to this Court for being kept on records of this



(v) The realization of the fine amount, if any, shall also remain suspended during the pendency of the present Revision.

13. With the above directions, this Criminal Miscellaneous Petition is ordered.

16-07-2026
(1/3)

Index: Yes
Speaking order
Neutral Citation: Yes

GSA

To

1.The Public Prosecutor,
Madras High Court.

2.The Inspector of Police
J-2, Adyar Traffic Investigation Wing,
Adyar, Chennai-600 090
J-2 P.S.

3.The XXII Additional Sessions Judge,
at Chennai.

4.The IV Metropolitan Magistrate,
Saidapet, Chennai.



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SHAMIM AHMED J.

GSA

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(1/3)**