



WEB COPY



*Crl.M.P.No.15949 of 2025
in Crl.R.C.No. 1518 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2025

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.M.P.No.15949 of 2025
in
Crl.R.C.No. 1518 of 2025

Elumalai

.... Petitioner

Vs

State Rep By,
The Inspector of Police,
V5, Thirumangalam Traffic Investigation, Chennai.
Cr.No.206/Tm2/2019

.... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 438(1) of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence passed by VI Metropolitan Magistrate, Egmore, Chennai in C.C.No.8533 of 2019 dated 07.02.2024 and confirmed by the Learned I Additional Sessions Judge, City Civil Court, Chennai in Crl.A.No.168 of 2024 dated 17.03.2025 and enlarge the petitioner on bail pending disposal of the Criminal Revision.



WEB COPY



*Crl.M.P.No.15949 of 2025
in Crl.R.C.No. 1518 of 2025*

For Petitioner : Mr.U.Kathiravan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by VI Metropolitan Magistrate, Egmore, Chennai in C.C.No.8533 of 2019 dated 07.02.2024 and confirmed by the Learned I Additional Sessions Judge, City Civil Court, Chennai in Crl.A.No.168 of 2024 dated 17.03.2025 and enlarge the petitioner on bail pending disposal of the Criminal Revision.

2. The petitioner herein is the accused in C.C.No.8533 of 2019 on the file of the learned VI Metropolitan Magistrate, Egmore, Chennai. He was found guilty of the offence under Section 304 (A) of IPC and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Sections 304 (A) of IPC	to undergo six months Simple Imprisonment.



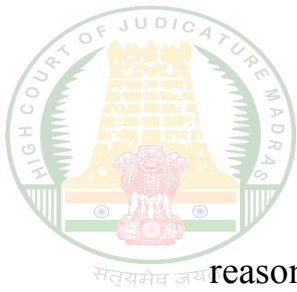
*Crl.M.P.No.15949 of 2025
in Crl.R.C.No. 1518 of 2025*

WEB COPY

Aggrieved by the same, the petitioner had filed an appeal in C.A.No.168 of 2024 and the learned Additional Sessions Judge, City Civil Court, Chennai, by order dated 17.03.2025, had confirmed the conviction and sentence for the 304(A) of IPC and had also convicted the petitioner for the offence under Section 134(b) read with Section 187 of MV Act, against which the present revision has been filed.

3. The learned counsel for the petitioner/accused would submit that there are arguable points available in the Criminal Revision Case and the petitioner/accused has got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the petitioner/accused may be suspended. He would submit that the petitioner is ready to abide the condition imposed by this Court.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent/State raised serious objection for allowing this petition. Further, he would contend that the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond



*Crl.M.P.No.15949 of 2025
in Crl.R.C.No. 1518 of 2025*

WEB COPY

reasonable doubt. According to him, interference of this Court is not necessary in the findings arrived at by the trial Court.

5. Heard the learned counsel appearing on either side and also perused the materials placed on record.

6. Considering the facts and circumstances of the case coupled with the quantum of punishment imposed upon the petitioner, also by considering the submissions of the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police, further this criminal revision is not likely to be taken for final hearing in the near future, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Revision Case, the reliefs of suspension of sentence and bail are granted on the following conditions:

(a) The petitioner/accused is ordered to be released on bail, on his 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 VI Metropolitan Magistrate,



*Crl.M.P.No.15949 of 2025
in Crl.R.C.No. 1518 of 2025*

Egmore, Chennai.

WEB COPY

(b) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

(c) The petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the revision petition 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, 2023 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.

7. With the above directions, these Criminal Miscellaneous Petition is ordered.

29.08.2025
(¹/₂)

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

Sma



*Crl.M.P.No.15949 of 2025
in Crl.R.C.No. 1518 of 2025*

WEB COPY

To

1. VI Metropolitan Magistrate, Egmore, Chennai
2. I Additional Sessions Judge, City Civil Court, Chennai
3. The Inspector of Police,
V5, Thirumangalam Traffic Investigation, Chennai.
4. The Public Prosecutor,
Madras High Court,
Chennai.



WEB COPY



*Crl.M.P.No.15949 of 2025
in Crl.R.C.No. 1518 of 2025*

G.K.ILANTHIRAIYAN, J.

Sma

Crl.M.P.No.15949 of 2025
in
Crl.R.C.No. 1518 of 2025

29.08.2025
(2/2)