



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.11.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

**Crl.M.P.Nos.22912 & 22919 of 2025
in Crl.R.C.No.2610 of 2025**

Sivakumar

...Petitioner in both Crl.M.Ps

Versus

The State
Rep. by the Inspector of Police,
Sankari Police Station,
Salem District.

...Respondent in both Crl.M.Ps

Prayer in Crl.M.P.No.22912 of 2025 in Crl.R.C.No.2610 of 2025:

This Criminal Miscellaneous Petition is filed under Section 430 of BNSS praying to suspend the sentence of imposed in the Judgment passed in C.A.No.164 of 2023 dated 22.10.2025 on the file of the I Additional District & Sessions Judge at Salem in confirming the judgment of conviction dated 30.08.2023 passed in C.C.No.66 of 2019 on the file of the Judicial Magistrate No.1 at Sankari and sentencing the petitioner to undergo simple



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imprisonment for 6 months and to pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for 2 weeks for the offence u/s. 279 of IPC and convicted and sentenced to undergo 2 years simple imprisonment and to pay a fine of Rs.1,000/- in default to undergo simple imprisonment for 2 weeks for the offence u/s. 304(A) of IPC and enlarge the petitioner on bail pending disposal of the above Criminal Revision Petition before this Court.

Prayer in Crl.M.P.No.22919 of 2025 in Crl.R.C.No.2610 of 2025:

This Criminal Miscellaneous Petition is filed under Section 528 of BNSS, 2023 praying to exempt the petitioner from surrendering pursuant to the order of conviction passed in C.C.No.66 of 2019 on the file of the Judicial Magistrate Court No.1 at Sankari which was confirmed in C.A.No.164 of 2023 dated 22.10.2025 on the file of the I Additional District & Sessions Judge at Salem pending disposal of the present Criminal Revision Petition.

For Petitioner in both Crl.M.Ps : Mr.R.Jayaprakash

For Respondent in both Crl.M.Ps : Dr.C.E.Pratap,
Govt. Advocate (Crl.Side)

COMMON ORDER



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The Criminal Miscellaneous Petition No.22912 of 2025 has been filed by the petitioner seeking to suspend the sentence of imprisonment imposed on him by the learned Judicial Magistrate No.1, Sankari vide Judgment dated 30.08.2023 in C.C.No.66 of 2019 which was confirmed by the learned I Additional District and Sessions Judge, Salem vide Judgment dated 22.10.2025 in C.A.No.164 of 2023 and enlarge him on bail pending disposal of the present Criminal Revision Petition.

2. The Criminal Miscellaneous Petition No.22919 of 2025 has been filed by the petitioner seeking to exempt him from surrendering pursuant to the Judgment dated 30.08.2023 in C.C.No.66 of 2019 passed by the learned Judicial Magistrate No.1, Sankari which was confirmed by the learned I Additional District and Sessions Judge, Salem vide Judgment dated 22.10.2025 in C.A.No.164 of 2023.

3. The petitioner is an accused in C.C.No.66 of 2019 on the file of



Judicial Magistrate Court No.1, Sankari. The petitioner/accused was found guilty for commission of offence under Section 279 & 304(A) of IPC.

Therefore, the Trial Court vide Judgment dated 30.08.2023 in C.C.No.66 of 2019, convicted the petitioner/accused and sentenced him as follows:

S.No.	Offence	Punishment
1	Under Section 279 of IPC	To undergo 6 months imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo 2 weeks simple imprisonment.
2	Under Section 304(A) of IPC	To undergo 2 years imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo 2 weeks simple imprisonment.

Aggrieved by the said conviction and sentence, petitioner/accused had preferred Criminal Appeal No.164 of 2023 before the I Additional District and Sessions Court, Salem. However, 1st Appellate Court vide Judgment dated 22.10.2025, dismissed the said Criminal Appeal and confirmed the judgment of Trial Court. Hence, petitioner/accused has filed the present Criminal Revision Case before this Court.



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4. The learned counsel for petitioner/accused submitted that petitioner/accused is the only bread winner of his family and the wife of petitioner/accused is a blind woman. If the petitioner/accused is surrendered and imprisoned, his blind wife who depends on him would suffer a lot and his family would be facing the financial hardship.

4.1. It is further submitted by the learned counsel for petitioner/accused has a fair chance of succeeding in the Criminal Revision Case and petitioner/accused is ready to abide any condition to be imposed by this Court. Therefore, the learned counsel prayed that the substantive sentence imposed on petitioner/accused may be suspended.

5. The learned Government Advocate (Crl.Side) appearing on behalf of respondent Police submitted that accident had occurred due to the rash and negligent driving of petitioner/accused and due to the said accident, one



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Umanath had died. Before the Trial Court, the prosecution has proved the guilt of petitioner/accused beyond all reasonable doubt. Therefore, the learned Government Advocate (Crl.Side) submitted that he has serious objection for enlarging the petitioner/accused on bail.

6. Considering the submissions made by learned counsel for petitioner/accused coupled with the quantum of punishment imposed on petitioner/accused and taking into consideration of the fact that the Criminal Revision is not likely to be taken up for final hearing in the near future, this Court is inclined to suspend the substantive sentence of imprisonment alone.

7. Accordingly, till the disposal of Criminal Revision Case, the reliefs of suspension of sentence and bail are granted on following conditions:

- (i) The sentence of imprisonment imposed on petitioner/accused shall be suspended on condition that he shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five



Thousand only) with two sureties, each for a likesum to the satisfaction of the trial Court;

(ii) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the trial Court may obtain a copy of their Aadhaar Card or Bank Pass Book and their mobile numbers to ensure their identity;

(iii) The petitioner/accused 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 Criminal Revision Case 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 his absence, as directed by the trial Court.

8. With the above directions, Criminal Miscellaneous Petition No.22912 of 2025 is allowed. Consequently, Criminal Miscellaneous Petition No.22919 of 2025 is closed.



28.11.2025

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Index: Yes/No

Speaking Order (or) Non-Speaking Order

Note: Registry is directed to list Crl.R.C.No.2610 of 2025 for hearing on 05.02.2026.

To

- 1.The Judicial Magistrate No.1,
Sankari.
- 2.The I Additional District and Sessions Judge,
Salem.
- 3.The Inspector of Police,
Sankari Police Station,
Salem District.
- 4.The Public Prosecutor,

8/8



High Court, Madras.

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T.V.THAMILSELVI, J.

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