



Crl.M.P.Nos.23386 of 2025 in Crl.R.C.No.2667 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.Nos.23386 of 2025

in

Crl.R.C.No.2667 of 2025

Kumaresan

... Petitioner/Accused

Vs.

The State Rep. by
The Inspector of Police,
Muthandikuppam Police Station,
Cuddalore District.
Crime No.328 of 2020

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 397(1) of Cr.P.C., read with Section 438(1) of BNSS, to suspend the sentence passed against the petitioner in the judgement of the learned Judicial Magistrate No.I, Panruti dated 14.07.2023 in C.C.No.103 of 2021 and confirmed by the learned I Additional District and Sessions Judge, Cuddalore by an order dated 07.07.2025 in C.A.No.59 of 2023 pending disposal of the above revision.

For Petitioner : Mr.A.M.Rahamath Ali

For Respondent : Dr.C.E.Pratap
Government Advocate (Crl. Side)



ORDER

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed on the petitioner/accused by the learned Judicial Magistrate No.1, Panruti dated 14.07.2023 in C.C.No.103 of 2021 and confirmed by the learned I Additional District and Sessions Judge, Cuddalore by an order dated 07.07.2025 in C.A.No.59 of 2023, pending disposal of the above revision.

2. It is the case of the prosecution that on 07.05.2020 at about 18.30 hrs, when Kasiammal, the mother of PW1 Thanikachalam, was walking on the Panruti to Vridhachalam road, in front of her house, the accused, who was driving the lorry bearing Reg.No.TN 31 AX 4932 at high speed, rashly and negligently, hit the said Kasiammal from behind due to which, she was thrown off and sustained severe injuries on the back and front of her head and died due to shock and hemorrhage and thus committed the offence.



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3. The trial Court convicted the petitioner for the offence under Section 279 of IPC and sentenced to pay a fine of Rs.1,000/- and in default of payment of fine to undergo one month simple imprisonment and found guilty and convicted under Section 304-A of IPC and sentenced to undergo simple imprisonment for a period of one year and to pay a fine of Rs.2,000/- and in default of payment of fine to undergo one month simple imprisonment. On appeal, the appellate Court had confirmed the above conviction and sentence.

4. Heard Mr.A.M.Rahamath Ali, learned counsel for the petitioner and Dr.C.E.Pratap, learned Government Advocate (Crl. Side) appearing for the respondent.

5. The learned counsel appearing for the petitioner would submit that the judgement of the Courts below are liable to be set aside as they have not considered the evidence of PW1, in the proper perspective; that



the evidence suggests that the victim, who was the mother of the PW1

had also contributed to the accident by crossing the road in a place not designated for pedestrian crossing and hence, prayed for the grant of suspension of sentence to the petitioner.

6. The petitioner has raised substantial grounds in the above revision. The revision is not likely to be taken up in the near future. The petitioner has surrendered before the trial Court. Considering all these facts, this Court is inclined to grant the relief of suspension of sentence to the petitioner and release him on bail.

7. Accordingly, this Criminal Miscellaneous Petition stands allowed and the sentence imposed on the petitioner is suspended and the petitioner is ordered to be released on bail on the following conditions :

- (i) The petitioner shall execute 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 Judicial



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Magistrate No.I, Panruti.

(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

(ii) The petitioner shall appear before the trial Court on the **first working day of every month at 10.30 a.m.** until further orders and if he is not able to appear before the trial Court on any day, she 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 her absence, as directed by the trial Court.

05.12.2025

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Issue Order Copy on : 09.12.2025



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To

1. The I Additional District and Sessions Judge, Cuddalore.
2. Judicial Magistrate No.I, Panruti.
3. The Inspector of Police,
Muthandikuppam Police Station,
Cuddalore District.
4. The Superintendent of Prisons,
Central Prison, Cuddalore
5. The Public Prosecutor,
Madras High Court.



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SUNDER MOHAN, J.

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