



Crl.M.P.Nos.24583 & 24584 of 2025
in Crl.R.C.No.2846 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.Nos.24583 & 24584 of 2025

in

Crl.R.C.No.2846 of 2025

Kandasamy @ Kandasamy TC

... Petitioner in both cases

Vs.

State represented by
The Inspector of Police,
Uthukuli Police Station,
Crime No.24/2015.

... Respondent in both cases

PRAYER in Crl.M.P.No.24583 of 2025: Criminal Miscellaneous Petition filed under Section 528 of BNSS, to suspend the sentence of the petitioner imposed upon him by the learned Court of the District Munsif cum Judicial Magistrate of Uthukuli, in C.C.No.335 of 2019 convicting him by an order dated 24.08.2022 and on being confirmed by the order dismissing the Appeal in C.A.No.136 of 2022 by I Additional District and Sessions Judge, Tiruppur by an order dated 12.11.2025 and enlarge the petitioner on bail pending disposal of the above criminal revision petition.

PRAYER in Crl.M.P.No.24584 of 2025: Criminal Miscellaneous Petition filed under Section 528 of BNSS, to exempt the petitioner from surrendering before the learned Court of the District Munsif cum Judicial Magistrate of

1/7



Crl.M.P.Nos.24583 & 24584 of 2025
in Crl.R.C.No.2846 of 2025

Uthukuli, in C.C.No.335 of 2019 convicting him by an order dated 24.08.2022 and on being confirmed by the order dismissing the Appeal in C.A.No.136 of 2022 by I Additional District and Sessions Judge, Tiruppur by an order dated 12.11.2025.

For petitioner : Mr.M.Vinoth

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

ORDER

These Criminal Miscellaneous Petitions have been filed seeking to suspend the sentence imposed on the petitioner/Accused by judgment dated 24.08.2022 passed in C.C.No.335 of 2019 by the learned District Munsif cum Judicial Magistrate Court, Uthukuli, and confirmed vide judgment dated 12.11.2025 in Crl.A.No.136 of 2022, by the learned I Additional District and Sessions Judge, Tiruppur, and also to exempt him from surrendering before the trial Court, pending disposal of the Criminal Revision Case.

2. The petitioner was convicted by the trial Court for the offence under Section 279 of IPC and was sentenced to undergo simple



Crl.M.P.Nos.24583 & 24584 of 2025
in Crl.R.C.No.2846 of 2025

imprisonment for one month and to pay a fine of Rs.1,000/-, in default to

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undergo a further period of two weeks of simple imprisonment. The petitioner was also convicted for the offence under Section 304A of IPC and was sentenced to undergo one year simple imprisonment and to pay a fine of Rs.10,000/- in default to undergo a further period of two weeks of simple imprisonment. The sentences were directed to run concurrently.

3. Challenging the above conviction and sentence, the petitioner/Accused preferred Crl.A.No.136 of 2022. The appellate Court, vide judgment dated 12.11.2025 confirmed the judgment of conviction and sentence passed by the trial Court.

4. Aggrieved by the same the petitioner/accused has preferred Crl.R.C.No.2846 of 2025 and pending revision has sought for suspension of sentence and exemption from surrendering before the trial Court, in these Criminal Miscellaneous Petitions.

5. The gist of the prosecution case is that the petitioner drove his



Crl.M.P.Nos.24583 & 24584 of 2025
in Crl.R.C.No.2846 of 2025

Eicher Van bearing Regn.No.TN 33 AL 7749 in a rash and negligent

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manner dashed against the deceased Kalaiyaran, who was walking on the road, as a result of which the deceased sustained fatal head injuries.

6. The learned counsel for the petitioner submitted that the eye witnesses examined by the prosecution were all interested witnesses; that the petitioner has raised substantial grounds; and that the accident did not occur in the manner alleged by the prosecution. Therefore, he prayed that the petitioner may be exempted from surrender and the sentence may be suspended.

7. Heard the learned Government Advocate (Crl.Side) appearing for the respondent.

8. Considering the fact that the petitioner has raised substantial grounds in the above revision, which require consideration; and that the petitioner is aged 65 years, this Court is inclined to suspend the sentence imposed on the petitioner and exempt him from surrendering before the trial



9. Accordingly, these Criminal Miscellaneous Petitions are allowed and till the disposal of the Criminal Revision cases, the sentence imposed upon the petitioner by the trial Court, is suspended and he is exempted from surrendering before the trial Court, on the following conditions:

(a) 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 learned District Munsif cum Judicial Magistrate Court, Uthukuli ;

(b) 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

(c) The petitioner shall appear before the Trial Court on the first working day of a 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 that 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



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Crl.M.P.Nos.24583 & 24584 of 2025
in Crl.R.C.No.2846 of 2025

Trial Court.

(d) In the event of failure on satisfying the above conditions, this order would stand automatically cancelled.

10. Accordingly, these Criminal Miscellaneous Petitions are ordered.

19.12.2025
(2/2)

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To

- 1.The I Additional District and Sessions Judge, Tiruppur
- 2.The District Munsif cum Judicial Magistrate Court, Uthukuli
- 3.The Inspector of Police, Uthukuli Police Station.
- 4.The Public Prosecutor, High Court, Madras.

SUNDER MOHAN, J.

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Crl.M.P.Nos.24583 & 24584 of 2025
in Crl.R.C.No.2846 of 2025

Crl.M.P.Nos.24583 & 24584 of 2025
in Crl.R.C.No.2846 of 2025

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(2/2)