



CRL MP(MD) No.5861 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2025

CORAM  
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL MP(MD) No.5861 of 2025

in

CRL RC(MD) No.540 of 2025

K.Gopi

...Petitioner

Vs

State of Tamilnadu rep. by its

The Inspector of Police,

Nithiraivalai Police Station,

Kanyakumari District.

(Crime No.130/2012)

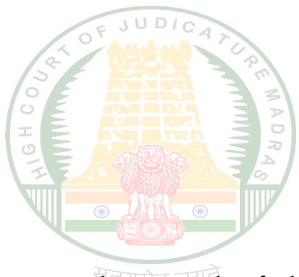
...Respondent

For Petitioner: Mr.C.K.M.Appaji, Advocate

For Respondent: Mr.S.S.Manoj  
Government Advocate (Criminal Side)

Prayer in CRL MP(MD).5861 of 2025 :

This Criminal Miscellaneous Petition filed under Section 438(1) B.N.S.S. praying to suspend the sentence imposed in C.A.No.21 of 2018 on the file of Additional District and Sessions Judge, Kuzhithurai dated 27.03.2025 confirming the Judgment of conviction imposed in C.C.NO.5 of 2013 on the file of Judicial Magistrate II, Kuzhithurai, dated 02.01.2018 and grant bail to the petitioner, pending



CRL MP(MD) No.5861 of 2025

disposal of the criminal revision petition.

WEB COPY

### ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed in C.A.No.21 of 2018 on the file of Additional District and Sessions Judge, Kuzhithurai dated 27.03.2025 confirming the Judgment of conviction imposed in C.C.NO.5 of 2013 on the file of Judicial Magistrate II, Kuzhithurai, dated 02.01.2018 and grant bail to the petitioner, pending disposal of the criminal revision petition.

2. The case of the prosecution is that on 07.05.2012 at about 10.00 a.m., when the deceased drove a two wheeler bearing registration no.TN-04-J-7206 along with pillion rider, namely Vishnu, who has also died, from east to west, in front of Sri Devi Hallow Bricks, Nithiravalai to Kolancode road, a tipper lorry bearing registration no.TN-75-F-2325 driven by the accused in a rash and negligent manner and dashed against the two wheeler. In the said accident, the driver and pillion rider of the two wheeler were died and for which, FIR came to be registered in Crime No.130 of 2012.

3. The respondent police, after completing the investigation, has filed the final reports against the accused under Sections 304(A) of IPC and the case was taken on file in C.C.No.5 of 2013 and the same was pending on the file of the Judicial Magistrate - II, Kuzhithurai.



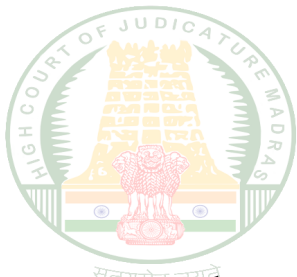
CRL MP(MD) No.5861 of 2025

WEB COPY

4. During trial, the prosecution has examined 13 witnesses as P.W.1 to P.W.13 and exhibited 9 documents as Ex.P.1 to Ex.P.9. The accused has adduced neither oral nor documentary evidence.

5. The learned trial Judge, upon considering the evidence both oral and documentary and on hearing the arguments of both the sides, has passed a judgment dated 02.01.2018 convicting the petitioner for the offence under Section 304(A) of IPC and sentenced him to undergo 2 years rigorous imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo 3 months simple imprisonment. Challenging the above said conviction and sentence, the petitioner has preferred appeal in C.A.No.21 of 2018 on the file of the Additional District and Sessions Judge, Kuzhithurai. The learned Additional District and Sessions Judge, Kuzhithurai, by confirming the conviction and sentence, dismissed the appeal. Aggrieved by the same, the petitioner has preferred the present Criminal Revision Case along with the above miscellaneous petition.

6. The learned counsel appearing for the petitioner would submit that the petitioner is aged about 41 years and he had driven the vehicle diligently and carefully. However, the deceased persons, who came in a rash and negligent manner, had dashed against the four wheeler. He further submitted that there are several infirmities in the prosecution case and further there are contradictions in



CRL MP(MD) No.5861 of 2025

material particulars between the evidence of the prosecution witnesses.

WEB COPY

7. The learned Government Advocate (Criminal Side) appearing for the respondent fairly conceded that the deceased never possessed any license.

8. This Court has carefully considered the rival contentions putforth by either side and also perused the materials available on record.

9. The learned counsel appearing for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in these criminal revision and further the criminal revision is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

10. In the result, this Criminal Miscellaneous Petition is ordered. Accordingly, the relief of suspension of sentence is granted to the petitioner on the following conditions:-

(i) the petitioner is directed to be enlarged on bail on their 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 Judicial Magistrate – II, Kuzhithurai;

(ii) The sureties shall affix their photographs and Left Thumb



CRL MP(MD) No.5861 of 2025

WEB COPY

Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity; and

(iii) the petitioner shall appear before the trial Court at 10.30 a.m. on the first working day of every English Calendar month until further orders.

11. Accordingly, this Miscellaneous Petition is ordered.

sd/-  
05/06/2025

/ TRUE COPY /

/06/2025  
Sub-Assistant Registrar (C.S.-I/ II /III/ IV)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

gbg  
TO

- 1 THE ADDITIONAL DISTRICT SESSIONS JUDGE, KUZHITHURAI.
- 2 THE JUDICIAL MAGISTRATE II, KUZHITHURAI.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
KANYAKUMARI DISTRICT.
- 4 THE INSPECTOR OF POLICE, NITHIRAIVILAI POLICE STATION,  
KANYAKUMARI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR MADURAI BENCH OF MADRAS  
HIGH COURT, MADURAI.



WEB COPY



CRL MP(MD) No.5861 of 2025

ORDER  
IN  
CRL MP(MD) No.5861 of 2025  
in  
CRL RC(MD) No.540 of 2025  
Date :05/06/2025

NBF/06.06.2025 6P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023