

CRL MP(MD) NO. 13046 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23-09-2025

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THE HONOURABLE MR.JUSTICE SHAMIM AHMED

CRL MP(MD) NO. 13046 of 2025

IN

CRL RC(MD) NO. 1281 OF 2025

Alexander

S/o.Kanagaraj, Door No.3-79B/5, Main Road,
Melaraman Sethi, Seethakkamangalam, Kudavasal Taluk,
Thiruvavarur District.

Petitioner(s)

Vs

The State of Tamil Nadu,
Rep. by The Inspector of Police, Traffic Investigation Wing,
Kumbakonam.

Respondent(s)

Prayer:

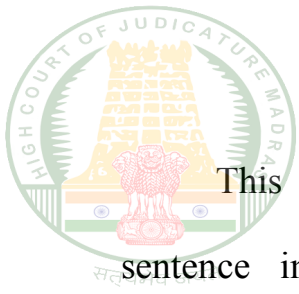
To suspend the sentence imposed upon the petitioner by the Judgement and Sentence of the Judicial Magistrate No.I, Kumbakonam dated 21.12.2022 in C.C.No.287/2019 and as confirmed by the Judgement of the Additional District and Sessions Judge (Fast Track Court), Kumbakonam dated 18.08.2025 in C.A.No.15 of 2023.

For Petitioner(s):

Mr.S.Ramsundar Vijayraj

For Respondent(s):

Mr.M.Karunanithi
Government Advocate (Crl.side)



ORDER

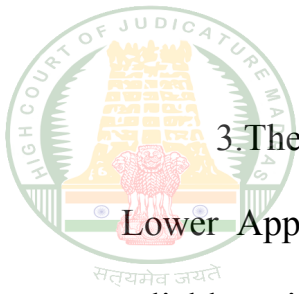


This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed upon the petitioner by the learned Judicial Magistrate No.I, Kumbakonam, dated 21.12.2022 in C.C.No.287 of 2019, which was confirmed by the learned Additional District and Sessions Judge, (Fast Track Court) Kumbakonam, in C.A.No.15 of 2023, dated 18.08.2025.

2.The petitioner, who was the sole accused in C.C.No.287 of 2019 was convicted and sentenced by the trial court as follows:

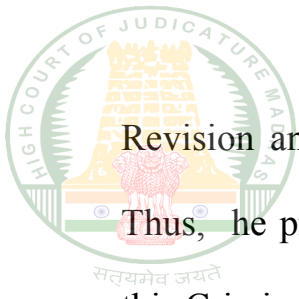
<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Sole Accused	U/s.304(A) of IPC	To undergo 2 years rigorous imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo three months simple imprisonment

The judgment of conviction and sentence imposed on the petitioner by the trial court was confirmed by the learned Additional District and Sessions Judge, (Fast Track Court) Kumbakonam in C.A.No.15 of 2023, dated 18.08.2025. Challenging the above conviction and sentence, the petitioner has filed the present Criminal Revision Petition along with the instant miscellaneous petition, seeking suspension of sentence and bail.



3. The learned counsel for the Petitioner submitted that both the Trial Court and the Lower Appellate Court were not in proper perspective and had been placing on unreliable evidences. He further submitted that the Trial Court and the Appellate Court failed to apply their judicial minds to evaluate the admitted facts in the oral and documentary evidence. They also failed to take into account that at the time of occurrence, there was power cut, which was deposed by P.W8. Though P.W8 was treated as hostile and cross examined by the prosecution, nothing was suggested that the said witness was falsely stating that there was power cut at the time of occurrence. Therefore, the judgment, which is highly erroneous, has caused serious injustice to the Petitioner, and is against the principles of natural justice. In view of the above, it was argued that the conviction recorded by the Trial Court is legally unsustainable. It was further argued that the learned Trial Court as well as Appellate Court also failed to notice the discrepancies in the deposition of witnesses and the crystal part of the evidences was not at all assessed by both the Courts. It was further argued that the judgment passed by both the Courts was based on surmises and conjectures without considering the entire evidence on record.

4. It was further argued that due to pendency of the criminal cases before this High Court, there is a blinking chance that in the near future, this criminal revision case will be finally heard and decided. He further submits that there are arguable points in this



Revision and the petitioner has fair chance of success in this Criminal Revision Case.

Thus, he prayed for suspension of sentence and be released on bail, till the disposal of this Criminal Revision Petition, as the Petitioner was already granted bail during trial.

5. Several other submissions in order to demonstrate the falsity of the allegations made against the Revision Petitioner have also been placed forth before the Court. The circumstances which, according to the counsel, led to the false implication of the accused have also been touched upon at length. It has been assured on behalf of the revision petitioner that he is ready to cooperate with the process of law and shall faithfully make himself available before the Court whenever required and is also ready to accept all the conditions which the Court may deem fit to impose upon him. The Revision Petitioner undertakes that, in case, he is released on bail, he will not misuse the liberty of bail and will cooperate in disposal of revision.

6. Learned Government Advocate (Criminal Side) appearing for the Respondent has opposed the argument advanced by the learned counsel for the Revision Petitioner and submits that the judgments passed by both the Courts are as per law after considering the entire evidence, thus the relief sought by the Revision Petitioner at this stage be refused by this Court.



7. Considering the arguments advanced by the learned counsel for the petitioner, this Court is of the view that the Trial Court has failed to appreciate the evidence on record and the judgment was passed without considering the entire materials place before it and during trial the Revision petitioner was also on bail.

8. Further, it is observed that when the accused has been under incarceration for sometime and when there are points in the revision, which favour the accused, then the Courts should not shy from granting suspension of sentence, as the liberty of the individual would be at stake if the revision results in acquittal at a later point of time. In this regard, the decision of the Hon'ble Supreme Court of India in the case of ***Rabi Prakash Vs. The State of Odhisha reported in 2023 Live Law (SC) 533*** is of relevance.

9. The petitioner has raised substantial grounds in the Revision which require detailed appraisal. Further, the Revision is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the Revision petitioner is entitled to the relief of suspension of sentence and bail.

10. Accordingly, the relief of suspension of sentence and bail is granted to Revision Petitioner, namely, Alexander, S/o. Kanagaraj, on the following conditions:



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i) The Revision petitioner shall surrender before the Learned Judicial Magistrate No.I, Kumbakonam, within three weeks from today and on such surrender, the revision petitioner is ordered to be released on bail on his executing a personal bond along with two sureties for a sum of Rs.10,000/- each subject to furnishing undertaking that he will co-operate in the hearing of the present Revision.

ii) The Revision petitioner and sureties shall affix their photographs and Left Thumb Impression in the bond and the above said Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity;

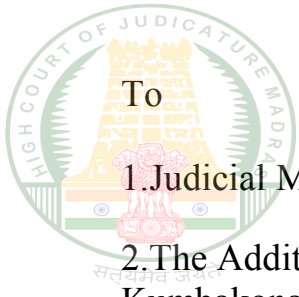
iii) The realization of fine, if any, shall also remain suspended during the pendency of the present Revision and ;

iv) The petitioner shall appear before the learned Judicial Magistrate No.I, Kumbakonam, once in every month, ie., on the first working day, commencing from the month of October, 2025 at 10.30 a.m., until further orders.

11.On acceptance of his bail bonds and sureties, the learned Trial Court shall transmit photostat copies thereof to this Court for being kept on records of this Revision.

12.With the above directions, this Criminal Miscellaneous Petition is ordered.

23-09-2025



To

1.Judicial Magistrate No.I, Kumbakonam.

2.The Additional District and Sessions Judge (Fast Track Court),
Kumbakonam

3.The Inspector of Police,
Traffic Investigation Wing,
Kumbakonam.

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