



Crl.MP(MD)No.15568 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **31.10.2025**

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THE HONOURABLE **MR.JUSTICE SHAMIM AHMED**

Crl.MP(MD)No.15568 of 2025

in

Crl.RC.(MD)No.1382 of 2025

K.Mohan,
S/o.Kannan,
10/128, Thirupathi Nagar,
Panthalkudi,
Aruppukottai Taluk,
Virudhunagar District.

... Petitioner

Vs.

The State of Tamil Nadu,
Represented by,
The Inspector of Police,
Panthalkudi Police Station,
Virudhunagar District.
(Crime No.127 of 2019)

... Respondent

Prayer : This Criminal Miscellaneous Petition filed under Section 438(1) of B.N.S.S. praying to suspend the sentence imposed upon the Revision Petitioner by the learned Judicial Magistrate, Aruppukottai,



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Virudhunagar District, in C.C No.135 of 2020, dated 08.05.2023, confirmed by the learned Additional District and Sessions Judge Aruppukottai, Virudhunagar District, in Criminal Appeal No.71 of 2023, dated 24.09.2025, pending disposal of the above Criminal Revision Petition.

For Petitioner : Mr.M.Jothi Basu

For Respondent : Mr.A.S.Abul Kalam Azad
Government Advocate

ORDER

Heard Mr.M.Jothi Basu, learned Counsel for the Revision Petitioner and Mr.A.S.Abul Kalam Azad, learned Government Advocate, who accepts notice on behalf of the Respondent.

2. This Criminal Miscellaneous Petition has been preferred, praying to suspend the sentence imposed upon the Revision Petitioner by the learned Judicial Magistrate, Aruppukottai, Virudhunagar District, in C.C No.135 of 2020, dated 08.05.2023, confirmed by the learned Additional District and Sessions Judge Aruppukottai, Virudhunagar District, in Criminal Appeal No.71 of 2023, dated 24.09.2025.



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3. In C.C No.135 of 2020, by the impugned judgment, dated 08.05.2023, the learned Judicial Magistrate, Aruppukottai, Virudhunagar District, has convicted the Revision Petitioner for the offences punishable under Sections 279 and 304(A) IPC and sentenced the Revision Petitioner (i) for the offence under Section 279 IPC, to pay a fine of Rs.1000/-, in default to undergo one month simple imprisonment, (ii) for the offence under Section 304(A) IPC, to undergo six months simple imprisonment.

4. As against the order passed by the Trial Court dated 08.05.2023, the Revision Petitioner filed Criminal Appeal No.71 of 2023, before the learned Additional District and Sessions Judge, Aruppukottai, Virudhunagar District and the lower Appellate Court vide order dated 24.09.2025, dismissed the appeal confirming the judgment passed by the Trial Court. Challenging the above conviction and sentence, the Revision Petitioner has filed Criminal Revision Petition in Crl.RC(MD)No.1382 of 2025 along with the instant miscellaneous petition, seeking suspension of sentence and bail.



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5. The learned counsel for the Revision Petitioner submitted that both the Trial Court and the Lower Appellate Court arrived at its conclusion without appreciating the entire materials placed on record and hence, the conviction recorded by the Trial Court is legally unsustainable, as it was passed by both the courts below on surmises and conjectures. He further submitted that the auto vehicle driven by the Revision Petitioner was not being driven at high speed. The dog suddenly came in front of the vehicle, which led to the accident, and he had not driven the vehicle in a rash and negligent manner. Therefore, he is not responsible for the death of the defacto complainant's son. As the Revision Petitioner has paid the fine amount as per the order passed by the Trial Court, the relief of suspension of sentence and bail may be granted, as failure to do so would cause great hardship to the Revision Petitioner. The Revision Petitioner is ready to comply with all conditions imposed by this Court.



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6. 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 Revision 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.

7. 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



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released on bail, he will not misuse the liberty of bail and will co-operate in disposal of revision. According to the petitioner, the accident occurred due to the sudden act of a dog coming in front of the vehicle, and he had not driven the vehicle in a rash or negligent manner, and therefore, he prays for bail as he is not solely responsible for the unfortunate death of the defacto complainant's son.

8. 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.

9. Considering the arguments advanced by the learned counsel for the Revision Petitioner, this Court observed that when the accused has been under incarceration for sometime and when there are points in the



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revision, which favour the accused and has paid fine as per the order of the Trial Court, 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.

10. The Revision Petitioner has raised substantial grounds in the Revision which requires 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.

11. Accordingly, the relief of suspension of sentence and bail is granted to Revision Petitioner namely K.Mohan, S/o.Kannan, on the following conditions:



- (i) The Revision Petitioner shall surrender before the learned Judicial Magistrate, Aruppukottai, Virudhunagar District, 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; and;
- (iii) The realization of fine, if any, shall also remain suspended during the pendency of the present Revision.
- (iv) The Revision Petitioner shall appear before the learned Judicial Magistrate, Aruppukottai, Virudhunagar District, once in every month, ie., on the first working day, commencing from the month of December 2025, at 10.30 a.m., until further orders.



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12. 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.

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

31.10.2025

Nsr

To:

1. The Judicial Magistrate, Aruppukottai, Virudhunagar District.
2. The Additional District and Sessions Judge Aruppukottai, Virudhunagar District.
3. The Inspector of Police,
Panthalkudi Police Station,
Virudhunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court.
Madurai.

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SHAMIM AHMED, J.

Nsr

Order made in
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in
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Dated: 31.10.2025