



CRL MP(MD). Nos.20041 & 20042 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : **17/12/2025**

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THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

CRL MP(MD). Nos.20041 & 20042 of 2025

in

CRL RC(MD)No.1610 of 2025

Kannan

S/o. Ramaraj

... Petitioner

Vs

State Of Tamilnadu Rep By Inspector Of Police,

Chinnamanur Police Station

Theni District.

Crime No. 324 of 2016.

... Respondent

PRAYER in CrI.M.P.(MD).No.20041 of 2025 :-

To suspend the sentence of imprisonment imposed by the learned Principal Sessions Judge, Theni in CrI.A. No. 76 of 2025 dt. 07.10.2025 confirming the conviction and sentence imposed by learned Judicial Magistrate, Uthamapalayam in C.C. No. 338/16 dated 22.04.2025 and enlarge the petitioner on bail, pending disposal of the Criminal Revision.

PRAYER in CrI.M.P.(MD).No.20042 of 2025 :-

To Exempt the petitioner from surrender in pursuant to the Judgment dated 07.10.2025 by the learned Principal Sessions Judge, Theni in CrI.A. No. 76 of 2025 confirming the conviction and sentence imposed by the learned Judicial Magistrate, Uthamapalayam in C.C.No.338 of 2016 dated 22.04.2025.



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For Petitioner : Mr.K.Rajeshwaran
Advocate.

For Respondent : Mr.M.Karunanithi
Government Advocate

ORDER

Heard Mr.K.Rajeshkumar, learned Counsel for petitioners and Mr.M.Karunanithi, learned Government Advocate, who accepts notice on behalf of Respondent.

2. Criminal Miscellaneous Petitions have been filed, praying to suspend the sentence imposed on petitioner by Judicial Magistrate, Uthamapalayam, in C.C.No.338 of 2016 vide order dated 22.04.2025, which was confirmed by learned Principal Sessions Judge, Theni in CrI.A.No.76 of 2025, vide order dated 07.10.2025 and to exempt the petitioner from surrendering before the Court below.

3.Learned counsel for petitioner would submit that petitioner was convicted by Judicial Magistrate, Uthamapalayam for offences punishable under Sections 279, 337, 338, 304(A) of IPC in C.C. No.338 of 2016 dated 22.04.2025 and sentenced as follows:



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(i) to undergo one month simple imprisonment and to pay a fine of Rs.1,000/- for offence under section 279 of IPC.

(ii) to undergo one month simple imprisonment for each count (seven months) and to pay a fine of Rs.500/- for each count (Total Rs. 3,500/-) for offence under section 337 of IPC (7 counts)

(iii) to undergo one month simple imprisonment for each count (7 months) and to pay a fine of Rs.500/- for each count (Total Rs.3,500/-) for the offence 338 of IPC (7 counts)

(iv) to undergo six months simple imprisonment for each count (total one year) and to pay a fine of Rs.2,000/- for the offence under section 304(A) of IPC (2 counts).

4. Aggrieved, petitioner filed Criminal Appeal No.76 of 2025, before Principal Sessions Judge, Theni and the lower Appellate Court vide order dated 07.10.2025, dismissed the appeal confirming the judgment passed by Trial Court. Aggrieved, petitioner filed present Criminal Revision Petition in Crl.RC(MD)No.1610 of 2025 before this Court along with instant miscellaneous petitions seeking suspension of sentence, exemption from surrender and bail.



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5. Learned Counsel for petitioner would further submit that petitioner has raised substantial grounds in the above revision, which requires consideration; and he further submitted that the prosecution stated that more than 10 persons were travelling in the jeep bearing registration No. KL-8-B-7333, and that there were discrepancies in the evidence regarding the disclosure of this fact. He further submit that the trial court failed to appreciate the fact that the number of passengers in the jeep was for in excess of that permitted, the impact of which was not considered. He further submit that the petitioner has also paid fine amount as per the order of the trial Court. Hence, he prayed for granting suspension of sentence and bail to petitioner.

6. Learned Additional Public Prosecutor appearing for respondent opposed the submissions of learned counsel for petitioner and submitted that judgments passed by Courts below are as per law after considering the entire evidence, thus the relief sought by petitioner at this stage be refused by this Court.



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7. Considering the fact that there are arguable points raised in revision and taking into consideration, facts and circumstances of the case and that it is also likely to take a while before the revision is finally heard¹, this Court is inclined to grant suspension of sentence, bail and exempt the petitioner from surrendering before the trial court, on the following conditions, till the disposal of above Criminal Revision:

i) The petitioner is directed to be enlarged on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the Principal Sessions Judge, Theni;

ii) The 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 petitioner shall appear and sign before the Principal Sessions Judge, Theni, on the first working day of every month at 10.30 a.m., until the disposal of revision;

¹ Atul Alias Ashutosh vs State of Madhya Pradesh, (2024) 3 SCC 663



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iv) In case, if the petitioner is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. (corresponding to 355 B.N.S.S) and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

8. Accordingly, these Criminal Miscellaneous Petitions are ordered.

17.12.2025

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To

1. The Principal Sessions Judge, Theni.
2. The Judicial Magistrate, Uthamapalayam
3. The Inspector of Police,
Chinnamanur Police Station,
Theni District
(Thro Cr.No.324/2016).
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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MOHAMMED SHAFFIQ, J

gvn

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Date : 17/12/2025
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