



Crl.MP(MD)Nos.19959 and 19960 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

Crl.MP(MD)Nos.19959 and 19960 of 2025

in

Crl.RC.(MD)No.1607 of 2025

Kunjugopi @ Gopinath

... Petitioner

Vs.

The State of Tamil Nadu,
Represented by,
The Inspector of Police,
Pasupathipalayam Police Station,
Karur District.
(Crime No.103 of 2016)

... Respondent

PRAYER in Crl.M.P.(MD).No.19959 of 2025 :-

To Suspend the Sentence passed by the learned District and Sessions Court, Karur in Crl.A.No.128 of 2024 dated 06.10.2025, by confirming the judgment of conviction and sentence passed by the learned Judicial Magistrate No.I in C.C.No.359 of 2018 dated 10.06.2024 and enlarge the petitioners on bail pending disposal of the above appeal.



Crl.MP(MD)Nos.19959 and 19960 of 2025

PRAYER in Crl.M.P.(MD).No.19960 of 2025 :-

To Exempt from surrendering before the trial court pertaining to the impugned judgment of conviction and sentence passed by the learned District and Sessions Court, Karur in Crl.A.No.128 of 2024 dated 06.10.2025, by confirming the judgment of conviction and sentence passed by the learned Judicial Magistrate No.I in C.C.No.359 of 2018 dated 10.06.2024 and enlarge the petitioners on bail pending disposal of the above appeal.

For Petitioner : Mr.S.Ramesh Kumar
For Respondent : Mr.P.Kottaichamy
Government Advocate

ORDER

Heard Mr.S.Ramesh Kumar, learned Counsel appearing for the petitioner and Mr.P.Kottaichamy, learned Government Advocate, who accepts notice on behalf of the respondent.

2. This Criminal Miscellaneous Petition has been filed, praying to suspend the sentence imposed upon the petitioner by the learned Judicial Magistrate No.I, Karur, in C.C.No.359 of 2018, dated 10.06.2024, which was confirmed by the learned District and Sessions Judge, Karur, in Criminal Appeal No.128 of 2024, dated 06.10.2025 and to exempt the petitioner from surrendering before the Court below.



Crl.MP(MD)Nos.19959 and 19960 of 2025

WEB COPY

3. Learned counsel for the petitioner would submit that the petitioner was convicted by the learned Judicial Magistrate No.I, Karur for the offences punishable under Sections 294(b) and 326 IPC in C.C No.359 of 2018, dated 10.06.2024, and (i) in default to undergo simple imprisonment of one month and to pay a fine of Rs.1000/-, for offence under Section 294(b) IPC; (ii) to undergo simple imprisonment for three years and to pay a fine of Rs.1000/-, in default to undergo three months simple imprisonment, for the offence under Section 326 IPC. Aggrieved petitioner filed Criminal Appeal No.128 of 2024, before the learned District and Sessions Judge, Karur and the lower Appellate Court vide order dated 06.10.2025, partly allowed and modified the judgement passed by the trial Court as follows:-

“The conviction and sentence u/s.294(b) of IPC is hereby confirmed and conviction u/s.326 of IPC is altered into Section 324 of IPC. Both the accused shall undergo three months rigorous imprisonment each and shall pay a fine of Rs.1,000/- each, in default of payment to undergo simple imprisonment for 15 days for the offence u/s.324 of IPC.”



Crl.MP(MD)Nos.19959 and 19960 of 2025

WEB COPY

4. Challenging the above conviction and sentence, petitioner has filed Criminal Revision Petition in Crl.RC(MD)No.1607 of 2025 before this Court along with the instant miscellaneous petitions seeking suspension of sentence, bail and exemption from surrender.

5. Learned Counsel for the petitioner would further submit that petitioner has raised substantial grounds in the above revision, which requires consideration. He further submit that P.W.10 deposed that the P.W.1 was admitted in the hospital by one Ganesh, whereas, in the accident register it was mentioned that he was admitted by his mother. However, the prosecution failed to examine both. He would further submit that the place of occurrence has also not been proved by the prosecution with any corroborative materials and thus, he would submit that there are issues which requires closer examination. Hence, he prayed for granting suspension of sentence to the petitioner.



Crl.MP(MD)Nos.19959 and 19960 of 2025

6. Learned Government Advocate appearing for the respondent has opposed the submissions made by the learned counsel for the 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 petitioner at this stage be refused by this Court.

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 likely to take a while before the revision is finally heard, this Court is inclined to grant suspension of sentence and exempt the petitioner from surrendering before the trial court, on the following conditions, till the disposal of the 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) with two sureties each for a like sum to the satisfaction of the learned District and Sessions Court, Karur;



Crl.MP(MD)Nos.19959 and 19960 of 2025

WEB COPY

- 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 learned District and Sessions Court, Karur, on the first working day of every week at 10.30 a.m., until the disposal of the revision;
- 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.

7. Accordingly, these Criminal Miscellaneous Petitions are ordered.

16.12.2025

rgm

6/8



CrI.MP(MD)Nos.19959 and 19960 of 2025

WEB COPY

To:

1. The Judicial Magistrate No.I, Karur.
2. The District and Sessions Judge, Karur.
3. The Inspector of Police,
Pasupathipalayam Police Station,
Karur District.
(Crime No.103 of 2016)
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court.
Madurai.



WEB COPY



Crl.MP(MD)Nos.19959 and 19960 of 2025

MOHAMMED SHAFFIQ, J.

rgm

Crl.MP(MD)Nos.19959 and 19960 of 2025

in

Crl.RC.(MD)No.1607 of 2025

Dated: 16.12.2025