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CRL MP No. 295 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-01-2026

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CRL MP Nos. 295 & 296 of 2026

IN

CRL RC NO. 41 OF 2026

Srinivasan

Petitioner(s) in both petitioners

Vs

State Rep.by, The Inspector of Police,
Ambalur Police Station, Tirupattur
District. Cr.No.445/2020.

Respondent(s) in both petitions

PRAYER in CrI.M.P.No.295 of 2026: Criminal Miscellaneous Petition filed under Section 438 of BNSS 2023 to suspend the sentence passed by the learned District & Sessions Judge, Thirupattur, Thirupattur District in CrI.A.No.105 of 2023 dated 20.11.2025 by confirming the judgment and sentence passed by the C.C.No.41 of 2021 dated 22.05.2025 by the learned Judicial Magistrate, Vaniyambodi, Thirupattur District (Vellore District) and enlarge the petitioner on bail pending disposal of the CrI.R.C.No. Of 2026.

PRAYER in CrI.M.P.No.296 of 2026: Criminal Miscellaneous Petition filed under Section 528 of BNSS, praying to exempt of surrender the petitioner herein for his surrender the judgment by the learned Judicial Magistrate, Vaniyambodi, Thiurpattur District in C.C.No.41 of 2021 dated 22.05.2023 and confirmed the judgment and sentence by the learned District and Sessions Judge, Thirupattur, Thirupattur District in CrI.A.No.105 of 2023 dated 20.11.2025 pending disposal of the CrI.R.C.No. of 2026.

**For Both Petitions**

For Petitioner(s): E.Kannadasan

For Respondent(s): Mr.S.Balaji,
Government Advocate (Crl.Side)**COMMON ORDER**

The petitioner has preferred the above revision challenging the judgment passed by the learned District and Sessions Judge, Thirupattur, Thirupattur District, in Crl.A.No.105 of 2023 dated 20.11.2025, confirming the judgment of the learned Magistrate convicting the petitioner for the offence under Section 279 of IPC, and sentenced him to undergo three months Simple Imprisonment and to pay a fine of Rs.1,000/-, in default to undergo 15 days Simple Imprisonment and for the offence under Section 304-A of I.P.C, and sentenced to undergo one year Simple Imprisonment and to pay a fine of Rs.1,000/-, in default to undergo one month Simple Imprisonment. The instant petitions have been filed to suspend the sentence imposed on the petitioner and to exempt the petitioner from surrendering before the Trial Court, pending disposal of the above revision.

2. It is the case of the respondent that on 16.12.2020 at about 04:15 p.m., when the defacto complainant and her son aged about 3½ years were walking on the road, the petitioner came in his vehicle bearing Regn.No.TN83C3985 in



a rash and negligent manner and dashed the son of the defacto complainant from behind and caused his death. Hence, this case.

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3. The learned counsel for the petitioner would submit that the judgments of the Trial Court are liable to be set aside; that the evidence and the rough sketch would show that the petitioner is not guilty of the offences under Sections 279 of IPC and 304(A) of Cr.P.C.; that the defacto complainant had suddenly crossed the road and the rough sketch would show that the accident took place in the middle of the road and hence, prayed for suspension of sentence.

4. Heard the learned counsel for the petitioner and perused the materials available on record

5. It is seen from the rough sketch marked as Ex.P-6 that the occurrence took place in the centre of the road. The deceased was aged 3½ years at the time of the occurrence. The place of occurrence as shown in the rough sketch is contrary to the evidence of PW1. Hence, there is considerable force in the submissions made by the learned counsel for the petitioner. The revision is not likely to be taken up in the near future. Therefore, this Court is inclined to grant suspension of sentence and exempt the petitioner from surrendering before the Trial Court, subject to the following conditions:



(i) The petitioner/accused is ordered to be released on bail, on their executing a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each, in which one surety must be a blood surety, for a like sum to the satisfaction of the learned Judicial Magistrate, Vaniyambodi;

(ii) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities;

(iii) The petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the Criminal Appeal and if he 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. 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.

6. Accordingly, these Criminal Miscellaneous Petitions are ordered.

12-01-2026

skr/ars

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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- To
1. The Inspector of Police,
Ambalur Police Station, Tirupattur District.
 2. Judicial Magistrate, Vaniyambodi
 3. The Public Prosecutor,
Madras High Court, Chennai.



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CRL MP No. 295 of 2026



SUNDER MOHAN J.
skr

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