



Crl.M.P.No.2429 of 2026
in Crl.A.No.170 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.2429 of 2026

in

Crl.A.No.170 of 2026

Rajkumar
S/o. Malaisamy,
Senthur Nagar,
Mookambikai Nagar, Pongalur,
Tiruppur District.

... Petitioner

Vs.

The State Represented by
The Inspector of Police,
Tiruppur North Police Station,
Tiruppur District.
Crime No.1307/2022

... Respondent

PRAYER: Criminal Miscellaneous Petition has been filed under Section 430 of BNSS, 2023 praying to suspend sentence imposed on the petitioner / appellant by the judgment dated 30.01.2026 passed in S.C.NO.143 of 2023 on the file of the I Additional District and Sessions Judge, Tiruppur, pending disposal of the above criminal appeal.



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For Petitioner : Mr.K.Sudhakar
For Respondent : Mr.S.Balaji,
Government Advocate (Crl.Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by judgment dated 30.01.2026 passed in S.C.No.143 of 2023 by the learned I Additional District and Sessions Judge, Tiruppur, pending disposal of the above criminal appeal and enlarge the petitioner on bail.

2. The petitioner in S.C.No.143/2023 were convicted and sentenced by the Trial Court by the judgment dated 30.01.2026 as tabulated below:

Offences	Punishment
Section 279 IPC	To undergo 6 months Simple Imprisonment
Section 304(ii) IPC	To undergo 7 years Simple Imprisonment

Aggrieved by the same, the petitioner had filed Crl.A.No.170 of 2026 before this Court along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.



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3. The case of the prosecution is that the petitioner, on 24.10.2022, at about 09.40 a.m., had driven his Lorry in a rash and negligent manner and dashed against a two wheeler which was ridden by the deceased; as a result of which the deceased was thrown out of the vehicle, sustained injuries and succumbed to said injuries.

4. Mr.K.Sudhakar, the learned counsel for the petitioner, would submit that even if the prosecution's case is accepted to be true, the offence that is made out as against the petitioner would be only under Section 304A of IPC; that all the witnesses have only stated that the petitioner had acted either rashly or negligently and therefore, the conviction under Section 304(2) of IPC cannot be sustained; that the petitioner has raised substantial grounds in the above appeal which requires consideration.

5. Heard Mr.S.Balaji, the learned Government Advocate (Crl. Side).

6. It is seen from the evidence on record that all the witnesses deposed that the petitioner had driven the vehicle in a rash and negligent manner. There is no material to suggest that the petitioner had driven the vehicle in an inebriated condition. Therefore, there is force in the submission of the learned



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counsel for the petitioner that even if the witnesses are believed the offence made out as against the petitioner is only under Section 304A IPC.

7. The appeal is not likely to be taken up in the near future. Considering the above facts, this Court is inclined to suspend the sentence imposed on the petitioner.

8. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentence imposed on the petitioner is suspended till the disposal of the above criminal appeal and the petitioner is ordered to be released on bail on the following conditions:

- (i) The petitioner shall execute 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 I Additional District and Sessions Judge, Tiruppur;
- (ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity; and
- (iii) The petitioner shall appear before the Trial Court on the first working day of every month at 10.30 a.m. until the disposal of



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the 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.

18.02.2026

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To

1. I Additional District and Sessions Judge, Tiruppur

2.The Inspector of Police,
Tiruppur North Police Station,
Tiruppur District.
Crime No.1307/2022

3.The Superintendent,
Central Prison,
Coimbatore.

4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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