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CRL.M.P.No.3090 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-02-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

**CRL MP Nos. 3090 & 3091 OF 2026 in
CRL RC No. 399 of 2026**

Venkatesan
S/o.Ammavasai,
No.2/113, ogaiyur village,
pannaiyur post, arani taluk,
Thiruvannamalai District.

..Petitioner(s) in
both Crl.MPs

Vs

The State Rep. by the Inspector of Police,
T-12 Traffic Investigation Police Station,
Poonamalle, Thiruvallur.
(Crime No.674 of 2021)

..Respondent(s) in
both Crl.MPs

CRL MP No. 3090 of 2026

PRAYER : Petition filed under Section 430(1) of BNSS, to suspend the sentence imposed on the petitioner by the IInd Additional Sessions Judge, Poonamallee in C.A.No.139 of 2023 dated 30.01.2026 by confirming the sentence and conviction imposed by the learned Judicial Magistrate No.I, Poonamallee in C.C.No.70 of 2022 dated 23.05.2023 and enlarge him on bail pending disposal of the above Criminal Revision Petition.

CRL MP No. 3091 of 2026

PRAYER : Petition filed under Section 528 of BNSS, to exempt the petitioner from surrendering in pursuance of the judgment passed by the IInd Additional Sessions Judge, Poonamallee in C.A.No.139 of 2023 dated 30.01.2026 by



confirming the sentence and conviction imposed by the learned Judicial Magistrate No.I, Poonamalle in C.C.No.70 of 2022 dated 23.05.2023.

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For Petitioner(s): Mr.S.Suresh
For Respondent(s): Mr.R.Vinoth Raja, G.A.(Crl.Side)

COMMON ORDER

The petitioner has preferred the above revision challenging the judgment passed by the learned II Additional Sessions Judge, Poonamallee, in C.A.No.139 of 2023 dated 30.01.2026, confirming the judgment of the learned Magistrate convicting the petitioner for the offence under Section 304-A IPC, and sentenced him to undergo six months R.I. and to pay a sum of Rs.1000/- i/d one month S.I. and under Section 338 of IPC., to pay a sum of Rs.1000/- fine i/d sentence to undergo two weeks S.I. . 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. The case of the prosecution is that on 09.08.2021, the petitioner drove a lorry in a rash and negligent manner and attempted to overtake a two wheeler, as a result of which, one of riders fell down and sustained head injuries and succumbed to death and the other rider sustained injuries.



3. The learned counsel for the petitioner would submit that the evidence of the Motor Vehicle Inspector and the Investigating Officer would show that the accident did not take place in the manner as alleged by the prosecution; that the two wheeler had attempted to overtake the lorry and hit on the left side of the rear wheel of the lorry and caused the accident; and that therefore, the petitioner cannot be held guilty of the offence under Section 304 of IPC.

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

5. It is seen from the evidence of the Motor Vehicle Inspector and the Investigating Officer that there was a damage in the left rear wheel of the petitioner's vehicle. Therefore, there is considerable force in the submission of the learned counsel for the petitioner. Hence, this Court is inclined to suspend the sentence imposed on the petitioner and exempt the petitioner from surrendering before the Trial Court, subject to the following conditions:

(i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Poonamallee;

(ii) The petitioner and the sureties shall affix their



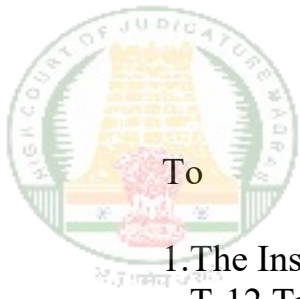
photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity; and

(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 the revision 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.

GSK

23-02-2026



To

1.The Inspector of Police,
T-12 Traffic Investigation Police Station,
Poonamalle, Thiruvallur.

2.IInd Additional Sessions Judge, Poonamallee.

3.The Judicial Magistrate No.I, Poonamallee

4.The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN J.

GSK

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CRL RC No. 399 of 2026**

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