



Crl.M.P.No.4157 of 2026  
in Crl.RC.No.545 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 04.03.2026**

CORAM

**THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

**Crl.M.P.No.4157 of 2026**  
**in Crl.RC.No.545 of 2026**

Vadivel,  
S/o.Kangaraj

... Petitioner

Vs.

State Rep. by  
The Inspector of Police,  
Thevoor Police Station,  
Salem District.  
Crime No.550 of 2020

... Respondent

**PRAYER:** Criminal Miscellaneous Petition has been filed under Section 389(1) of Cr.P.C and Section 430(1) of BNSS, 2023 praying to suspend sentence imposed in C.C.No.71 of 2021 dated 21.02.2025 on the file of Judicial Magistrate No.1, Sankari confirmed in C.A.No.47 of 2025 dated 27.11.2025 on the file of I Additional District and Session Court, Salem and enlarges the petitioner on Bail pending disposal of Criminal Revision Petition.

For Petitioner : Mr.T.Muruganantham

For Respondent : Mr.P.Dhileepan  
Government Advocate (Crl.Side)



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## **ORDER**

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by judgment dated 21.02.2025 passed in C.C.No.71 of 2021 by the learned Judicial Magistrate No.1, Sankari and confirmed by the judgment dated 27.11.2025 passed in Criminal Appeal No.47 of 2025 on the file of the learned I Additional District and Sessions Court, Salem pending disposal of the above criminal revision and enlarge the petitioner on bail.

2. The petitioner in C.C.No.71 of 2021 was convicted and sentenced by the Trial Court by the judgment dated 21.02.2025 as tabulated below:

| <b>Offences</b>    | <b>Punishment</b>                                                                                                                                             |
|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sections 279 IPC   | To undergo simple imprisonment of six months years and to pay fine of Rs.1,000/-, in default of payment of fine, to undergo simple imprisonment for two weeks |
| Section 304(A) IPC | To undergo two years simple imprisonment and to pay a fine of Rs.1,000/-, in default to undergo simple imprisonment of one month.                             |



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Aggrieved by the same, the petitioner had filed a Criminal Appeal in Crl.A.No.47 of 2025 and the first Appellate court dismissed the appeal by confirming the judgment of the trial court. Aggrieved by the dismissal, the petitioner has filed the Criminal Revision Petition in Crl.RC No.545 of 2026 before this Court along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.

3. The case of the prosecution is that the petitioner had driven his vehicle in a rash and negligent manner and hit against the vehicle bearing No.TN 23 AE 2862, due to which one Thangaraj, who came from the opposite side, died and thus the petitioner committed the aforesaid offences.

4. Mr.T.Muruganantham, the learned counsel for the petitioner, would submit that the accident did not happen due to the negligence of the petitioner, but occurred only due to the negligence of the deceased, as the deceased did not possess a driving license, which factum was not considered by the learned Judicial Magistrate.

5. Heard the learned Government Advocate (Crl.side.)



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6. In view of the above submission made by the learned counsel for the petitioner, this Court is of the view that, a further deliberation is required in this present Civil Revision. Hence, this Court is inclined to suspend the sentence imposed on the petitioner.

7. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentence imposed on the petitioner is suspended till the disposal of the above criminal revision 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 Judicial Magistrate No.1, Sankari;
- (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 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



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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.

**04.03.2026**

mp

To

1. The Judicial Magistrate No.1, Sankari.
2. The 1<sup>st</sup> Additional District and Session Court, Salem.
- 3.The Inspector of Police,  
Thevoor Police Station,  
Salem District.
- 4 .The Public Prosecutor,  
High Court, Madras.



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**C.KUMARAPPAN, J.**

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