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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2026

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THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

Crl.M.P.No.4609 of 2026
in Crl.RC.No.605 of 2026

Prasath
S/o. Chinnapayan

... Petitioner

Vs.

State Rep. by
The Sub-Inspector of Police,
Kurusilapet Police Station,
Tirupathur District.
(Crime No.82 of 2018)

... Respondent

PRAYER: Criminal Miscellaneous Petition has been filed under Section 438(1) of BNSS, 2023, praying to suspend the sentence made under the judgment dated 06.02.2026 in Crl.A.No.06 of 2025 on the file of the learned District and Sessions Judge, Tirupathur, confirming the conviction and sentence made in the judgment dated 20.03.2025 made in C.C.No.35 of 2024 on the file of the Chief Judicial Magistrate Court, Tirupathur, pending disposal of the above revision.

For Petitioner : Mr.W.Camyles Gandhi

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 made under the judgment dated 06.02.2026 in CrI.A.No.06 of 2025 on the file of the learned District and Sessions Judge, Tirupathur, confirming the conviction and sentence made in the judgment dated 20.03.2025 made in C.C.No.35 of 2024 on the file of the Chief Judicial Magistrate Court, Tirupathur, pending disposal of the above revision and enlarge the petitioner on bail.

2. The petitioner in C.C.No.35 of 2024 was convicted and sentenced by the Trial Court by the judgment dated 20.03.2025, as tabulated below:

Offences	Punishment
Sections 279 IPC	To pay fine of Rs.1,000/-, in default of payment of fine, to undergo simple imprisonment for one month.
Section 338 IPC	To pay a fine of Rs.1,000/-, in default to undergo simple imprisonment of one month.
Section 304(A)	To undergo six months simple imprisonment.



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Aggrieved by the same, the petitioner had filed a Criminal Appeal in CrI.A.No.06 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 CrI.RC No.605 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 on 19.05.2018 at about 06.00 a.m., when the deceased Anbalagan was driving TVS 50 scooter bearing Registration No.TN-29-P-2965, along with pillian driver, namely Surendiran at Tirupathur to Alangayam road near Vedyappan Nagar, Mariyappan Temple, the petitioner driven the car bearing Registration No.TN-29-H-6781 came in a rash and negligent manner endangering to public safety and dashed against the scooter, which was driven by the deceased, which resulted the said Surendiran sustained grievous injuries and the death of Anbalagan. Hence, the case.

4.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. He would further submit that after filing of the



final report by the respondent, cognizance has been taken in C.C.No.35 of 2024 by the learned Chief Judicial Magistrate, Tirupathur. He would further submit that the entire family of the petitioner is depending on him. Hence, he would pray to suspend the sentence.

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

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 learned Chief Judicial Magistrate, Tirupathur;



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(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 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.

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To

1. The District and Sessions Judge, Tirupathur.
2. The Chief Judicial Magistrate Court, Tirupathur.
3. The Sub-Inspector of Police,
Kurusilapet Police Station,
Tirupathur District.
4. The Public Prosecutor,
High Court, Madras.

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C.KUMARAPPAN, J.

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