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Crl.M.P.Nos.6163 and 6165 of 2



CRL RC No.787 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-04-2026

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THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL MP Nos.6163 and 6165 of 2026

in

CRL RC No. 787 of 2026

Shailendra Kumar
S/o.Shri Sabhajeet,
Vill Songaon Akbarbur,
Ambedkar Nagar District,
Uttar Pradesh-224722.

...Petitioner in both
Crl.M.Ps.

Vs

The State rep. by,
The Sub Inspector of Police,
Bagayam Police Station,
Vellore.
Cr.No.94 of 2023.

...Respondent in both
Crl.M.Ps.

CRL MP No. 6163 of 2026

Prayer : Criminal Miscellaneous Petition filed under Section 438(1) of BNSS, 2023, to suspend the sentence made in Judgment dated 06.12.2025 made in Crl.A.No.10 of 2025 on the file of the I Additional District and Sessions Judge, Vellore District confirming the Judgment dated 15.04.2025 in CC.No.173 of 2023 on the file of the Judicial Magistrate -1, Vellore and enlarge the petitioner on bail pending disposal of Crl.R.C.No.787 of 2026.



CRL MP No. 6165 of 2026

Prayer: Criminal Miscellaneous Petition filed under Section 528 of BNSS, 2023, to exempt the petitioner to surrender on the conviction and sentence passed by the I Additional District and Sessions Judge, Vellore in Crl.A.No.10 of 2025 dated 06.12.2025 in Judgment passed in CC.No.173 of 2023 dated 15.04.2025 by the Judicial Magistrate - I, Vellore pending disposal of the Criminal Revision.

For Petitioner : Ms.V.Annalakshmi
in both the Crl.M.Ps

For Respondent : Mr.R.Kishore Kumar
Government Advocate (Crl.Side)
in both the Crl.M.Ps

COMMON ORDER

These Criminal Miscellaneous Petitions have been filed to suspend the sentence imposed on the petitioner and to exempt him from surrendering pursuant to the Judgment dated 06.12.2025 passed in Crl.A.No.10 of 2025 by the learned I Additional District and Sessions Judge, Vellore, Vellore District, confirming the Judgment dated 15.04.2025 passed in C.C.No.173 of 2023 by the learned Judicial Magistrate No.I, Vellore pending disposal of the above criminal revision, and to enlarge the petitioner on bail.

2. The petitioner has been convicted and sentenced by the learned Trial Judge as follows:-



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Conviction under Sections	Sentence awarded
279 IPC	To pay a fine of Rs.1,000/- (id) to undergo one month SI.
304 A IPC	To undergo one year SI and to pay a fine of Rs.5,000/- (id) to undergo three months SI.

3. Aggrieved by the same, the petitioner filed a Criminal Appeal in Crl.A.No.10 of 2025, and the same was dismissed by the learned I Additional District and Sessions Judge, Vellore, Vellore District, confirming the Judgment dated 15.04.2025 passed in C.C.No.173 of 2023. Aggrieved by the same, the petitioner has filed Crl.R.C.No.787 of 2026 before this Court along with the instant criminal miscellaneous petitions seeking suspension of sentence and exemption from surrendering before the Trial Court.

4. The case of the prosecution is that on 04.04.2023, the petitioner drove an Ashok Leyland Lorry bearing Reg.No.NL 01 AB 0320 in a rash and negligent manner and dashed against a pedestrian/daughter of the complainant, who was walking on the left side of the Ariyur – Thorapadi Road near Grand Coffee Bar within the limits of the Bagayam Police Station and caused fatal injuries to her.



5. The learned counsel for the petitioner would submit that the Trial Court has not considered the material portion of the evidence of P.W.4, where he has admitted that it was a too busy street. Have that been a busy street, there was no possibility for the petitioner to drive a vehicle in a rash and negligent manner, and apart from that, the learned counsel for the petitioner would also submit that no negligence would be attributed to the petitioner; and that the petitioner has raised substantial grounds in this revision and prayed for granting suspension of sentence to the petitioner.

6. The learned Government Advocate (Crl.side) appearing for the respondent, per contra, submitted that the petitioner has not made out any ground for suspension of sentence and prayed for dismissal of the petitions.

7. I have given anxious consideration to the submissions made by the learned counsel on either side and also perused the records available.

8. Considering the fact that there are substantial grounds raised in the above revision, which require consideration and since the revision is not likely to be taken up in the near future, this Court is inclined to grant suspension of sentence and exempt the petitioner from surrendering before the Trial Court.



9. Accordingly, these Criminal Miscellaneous Petitions stand **allowed**; the sentence imposed on the petitioner is suspended and the petitioner is exempted from surrendering before the Trial Court till the disposal of the above criminal revision case. The petitioner shall be released on bail subject to the following conditions:

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

07-04-2026
(2/2)

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To

1. The Judicial Magistrate No.I,
Vellore.

2.The Sub Inspector of Police,
Bagayam Police Station,
Vellore.

3. The Public Prosecutor
High Court of Madras.

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C.KUMARAPPAN J.

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