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Crl.M.P.Nos.5317 and 5318 of 2026
in Crl.R.C.No.698 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2026

CORAM

THE HONOURABLE MR JUSTICE C.KUMARAPPAN

Crl.M.P.Nos.5317 and 5318 of 2026
in
Crl.R.C.No.698 of 2026

Dhanasekaran

...Petitioner in both cases

-VS-

State represented by the
Inspector of Police,
G-2, Padalam Police Station,
Crime No.725 of 2011.

...Respondent in both cases

PRAYER in Crl.M.P.No.5317 of 2026: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, to suspend the sentence imposed in Criminal Appeal No.21 of 2022 dated 18.02.2026 by the learned Additional District and Sessions Judge, Chengalpattu by confirming the judgment dated 08.06.2022 in C.C.No.35 of 2015 passed by the learned Chief Judicial Magistrate, Chengalpattu, and enlarge the petitioner on bail pending disposal of the above criminal revision.

PRAYER in Crl.M.P.No.5332 of 2026: Criminal Miscellaneous Petition filed under Section 528 of BNSS, praying to exempt the petitioner to surrender before

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the Additional District and Sessions Judge, Chengalpattu in Crl.A.No.21 of 2022
by order dated 18.02.2026 confirming the order of the Chief Judicial Magistrate,
Chengalpattu in C.C.No.35 of 2015 dated 08.06.2022.

For Petitioner : Mr.S.L.Sudarsanam

For Respondent : Mr.R.Kishore Kumar,
Government Advocate (Crl.Side)

COMMON ORDER

The petitioner has preferred the above revision challenging the judgment dated 18.02.2026 passed by the learned Additional District and Sessions Judge, Chengalpattu in Crl.A.No.21 of 2022, confirming the judgment of the learned Magistrate convicting the petitioner for the offence under Sections 304(A) of IPC, sentencing him to undergo one year S.I. and pay fine of Rs.2000/- and in default to undergo six months S.I and for the offence under Section 337(17counts) was sentenced to undergo three months S.I and pay a fine of Rs.3400/- and in default to undergo one month S.I. and for the offence under Section 338 IPC was sentenced to undergo six months S.I and pay a fine of Rs.500/- and in default to undergo two months S.I. The instant petitions have been filed to suspend the sentence imposed on the petitioner and to exempt the



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petitioner from surrendering before the Trial Court, pending disposal of the
above revision.

2. It is the case of the prosecution that on 28.11.2011, while transporting the workers of TUK TUK company, the petitioner drove a Mahindra Maxi Cab in a rash and negligent manner and dashed the vehicle against the centre median of the road, resulting in the death of one Ramya, causing grievous injuries to the witness Rajalakshmi, and simple injuries to 17 other persons. Thus, the petitioner is alleged to have committed the aforesaid offences.

3. The learned counsel for the petitioner would submit that, even according to the Investigating Officer, though the FIR was registered on 29.11.2011, the observation mahazar, sketch and other documents were prepared on the previous day. In this regard, the learned Magistrate had passed a specific order; however, despite such material on record, the benefit of doubt was not extended to the petitioner. He further submitted that there are vital contradictions in the evidence of the witnesses, which were not considered by either the trial Court or the appellate Court. Hence, he prayed to suspend the sentence imposed on the petitioner.

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

5. Having regard to the submission made by the learned counsel for the petitioner that there are substantial grounds raised in the above revision which require consideration, this Court is inclined to grant suspension of sentence 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.10,000/-, with two sureties, each for a like sum to the satisfaction of the learned Additional District and Sessions Judge, Chengalpattu;

(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



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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.

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(2/2)

drl

To

- 1.The Additional District and Sessions Judge, Chengalpattu.
2. The Chief Judicial Magistrate, Chengalpattu.



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C.KUMARAPPAN, J.

drl

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