



Crl.M.P.Nos.5880 & 5882 of 2026
in Crl.R.C.No.752 of 2026

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.04.2026

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THE HONOURABLE MR JUSTICE C.KUMARAPPAN

**Crl.M.P.Nos.5880 & 5882 of 2026
in
Crl.R.C.No.752 of 2026**

Jayaprakash

...Petitioner

-VS-

State Rep. By
The Inspector of Police,
Gobichettipalayam Police Station,
Erode District.

...Respondent

PRAYER in Crl.M.P.No.5880 of 2026: Criminal Miscellaneous Petition filed under Section 430 of BNSS Act, praying to suspend the sentence of imprisonment imposed in the judgement dated 10.02.2026 passed in Crl.A.No.198 of 2025 passed by the III Additional District Court, Gobichettipalayam, Erode confirming the judgement dated 30.07.2025 made in C.C.No.26 of 2018 on the file of the Judicial Magistrate -I, Gobichettipalayam, Erode.

PRAYER in Crl.M.P.No. 5882 of 2026: Criminal Miscellaneous Petition filed under Section 528 of BNSS, praying to grant an order of order for exemption from surrender before the learned III Additional District Court,

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Gobichettipalayam, Erode imposed in the judgement dated 10.02.2026 made in Crl.A.No.198 of 2025 whereof the Appellate Court confirmed the judgement dated 30.07.2025 made in C.C.No.26 of 2018 on the file of the Judicial Magistrate-I, Gobichettipalayam, Erode and enlarge on bail.

For Petitioner : Mr.R.Thirumoorthy
For Respondent : Mr.P.Dhileepan,
Government Advocate (Crl.Side)

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 10.02.2026 passed in Crl.A.No.198 of 2025 on the file of the learned III Additional District Court, Gobichettipalayam, Erode, confirming the judgment dated 30.07.2025 passed in C.C.No.26 of 2018 on the file of the learned Judicial Magistrate-I, Gobichettipalayam, Erode, 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 Section	Sentence awarded
304(A) of IPC	To undergo 12 months simple imprisonment and to pay a fine of Rs.2,000/- in default to undergo one month simple imprisonment.
337 of IPC (2 counts)	To undergo 6 months simple imprisonment for each count and to pay a fine of Rs.500/- for each count, in default to undergo one month simple imprisonment.
338 of IPC	To undergo six months simple imprisonment and to pay a fine of Rs.1,000/-, in default to undergo one month simple imprisonment

3. Aggrieved by the same, the petitioner filed a Criminal Appeal in Crl.A.No.198 of 2025, and the same was dismissed by the learned III Additional District Court, Gobichettipalayam, Erode District, confirming the judgment dated 30.07.2025 passed in C.C.No.26 of 2018. Aggrieved by the same, the petitioner has filed Crl.R.C.No.752 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 24.08.2017 at about 07.00.p.m., the petitioner drove his vehicle in a rash and negligent manner and hit the motorcycle driven by Gopalakrishnan and thereby caused the



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accident, due to which, Gopalakrishnan died and three others sustained injuries . Hence, the case.

5. The learned counsel for petitioner would contend that the though there is a concurrent finding that the petitioner is guilty for the offence under Sections 304(A), 337 & 338 of IPC, both the Courts below have not considered the material aspect that the deceased as well the three injured persons were traveling in the two wheeler and also submit that he has raised substantial grounds in this revision.

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

7. 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 as there are old matters, this Court is inclined to grant suspension of sentence and exempt the petitioner from surrendering before the Trial Court.



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8. 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-I, Gobichettipalayam, Erode;
- (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.

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C.KUMARAPPAN, J.

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To

- 1.The III Additional District Court, Gobichettipalayam, Erode.
- 2.The Judicial Magistrate-I, Gobichettipalayam, Erode
- 3.The Public Prosecutor, High Court of Madras.

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