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Crl.MP.9019/2026 in Crl.RC.1134/2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

Crl.M.P.No.9019/2026

in

Crl.RC.1134/2026

Venkatachalam

Revision Petitioner

Vs

The State, by
the Inspector of Police,
Sankari Police Station,
Salem District.
Cr.No.349/2021

Respondent

Prayer:- This Criminal Miscellaneous Petition has been filed, under Section 430(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), praying to suspend the sentence, imposed on the Revision Petitioner, in Crl.A.No.170 of 2023, dated 25.02.2026, by the I Addl. District and Sessions Court, Salem, confirming the Judgement of conviction and sentence and order, dated 30.08.2023 made in CC.No.65 of 2020, by the Judicial Magistrate No.1, Sankari, till the disposal of the instant Criminal Revision Petition.

For Revision Petitioner : Mr.Mr.G.Jaisivaraman Raj



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WEB COPY For Respondent : Mr.M.Dinesh,
Govt. Advocate (crl.side)

ORDER

1. This Criminal Miscellaneous Petition has been filed, by the Revision Petitioner, praying to suspend the sentence, imposed on the Revision Petitioner, in Crl.A.No.170/2023, dated 25.02.2026 by the I Addl. District and Sessions Court, Salem, confirming the Judgement of conviction and sentence and order, dated 30.08.2023, made in CC.No.65 of 2020, by the Judicial Magistrate No.1, Salem, till the disposal of the instant Criminal Revision Petition.
2. By the impugned judgement of conviction and sentence and order of the Trial Court, the Revision Petitioner was convicted and sentenced for the offences as follows:

Accused	Conviction	Sentence
Petitioner	U/s.279 IPC	To undergo Simple Imprisonment of 6 months and to pay a fine of Rs.1000/-, in default, to undergo 2 weeks Simple Imprisonment.
	U/s.304(A) IPC	To undergo Simple Imprisonment of 2 years and to pay a fine of Rs.1000/-, in default, to undergo 2 weeks Simple Imprisonment.

The fine amount has already been paid.



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3. The impugned judgement judgement of conviction and sentence and order of the Trial Court was confirmed by the lower appellate Court, by its impugned judgement of conviction and sentence and order.
4. Challenging the above said judgement of conviction and sentence and order, the Revision Petitioner has filed the above Crl.RC.No.1134 of 2026 along with the instant Criminal Miscellaneous Petition, seeking suspension of sentence and bail.
5. This Court heard Mr. G.Jaisivaramaraj, the learned counsel for the Revision Petitioner and Mr.M.Dinesh, the Government Advocate (Criminal Side) for the Respondent and considered their submissions and also perused materials placed before this Court.
6. The learned counsel for the Revision Petitioner has submitted that the case of the prosecution is that the petitioner/accused who was employed as a bus driver for KRS College, while driving the vehicle, is alleged to have operated his vehicle in a rash and negligent manner and hit against one Susheela, who was riding her TVS vehicle. Due to the accident, she



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sustained fatal injuries and succumbed to her injuries. PW1/defacto complainant has himself admitted in his cross examination that the case was registered only under the instructions of him and hence the very FIR becomes suspicious and incredible since the complaint was lodged on the advice of the respondent police. There is discrepancies between the evidence of PW3/eye witness to the accident and Ex.P.2-observation mahazar and Ex.P.2-Rough sketch. Hence the courts below ought not to have placed reliance on the evidence of PW3. In the light of the above infirmities and discrepancies in the evidence of the prosecution witnesses for the alleged seizure and recovery of material objects, it is highly unsafe to place reliance on those evidences to invoke presumption against the Revision Petitioner. It was further argued that the learned Trial Court as well as appellate Court also failed to consider that the case under sections 279 and 304-A IPC were not made out and the crystal part of the evidences was not at all assessed by both the Courts below. It was further argued that the judgment passed by both the Courts below was based on surmises and conjectures without considering the entire evidence on record.

7. It is further argued that due to pendency of the criminal cases before this



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High Court, there is a blinking chance that in the near future, this Criminal Revision Case will be finally heard and decided. It is further submitted that there are arguable points in this Criminal Revision Case and the Revision Petitioner has a fair chance of success in this Criminal Revision Case. Thus, the learned counsel for the Revision Petitioner has prayed for suspension of sentence and bail, till the disposal of this Criminal Revision Petition.

8. Several other submissions in order to demonstrate the falsity of the allegations made against the Revision Petitioner have also been placed forth before the Court. The circumstances which, according to the counsel, led to the false implication of the accused have also been touched upon at length. It has been assured on behalf of the Revision Petitioner that he is ready to cooperate with the process of law and shall faithfully make himself available before the Court, whenever required and is also ready to accept all the conditions, which the Court may deem fit to impose upon him. The Revision Petitioner undertakes that in case he is released on bail, he will not misuse the liberty of bail and will cooperate in disposal of Revision.



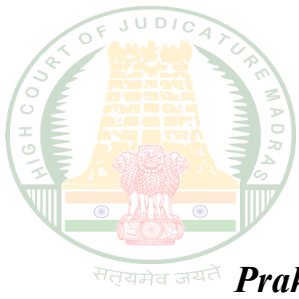
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9. The learned Government Advocate (Criminal Side) for the Respondent

has opposed the argument advanced by the learned counsel for the Revision Petitioner and submits that the judgements passed by the Courts below are as per the law, after considering the entire evidence and thus, the relief sought by the Revision Petitioner, at this stage, be refused by this Court.

10. Considering the arguments advanced by the learned counsel for the Revision Petitioner as well as the learned Govt. Advocate (Criminal Side) for the Respondent, this Court is of the view that the Trial Court has failed to appreciate the evidence on record and the judgment was passed without considering the entire materials place before it and during the Trial the Revision Petitioner was also on bail.

11. Further, it is observed that when the accused have been under incarceration for sometime and when there are points in the Revision, which favour the accused, then the Courts should not shy from granting suspension of sentence, as the liberty of the individual would be at stake, if the revision results in acquittal at a later point of time. In this regard, the decision of the Hon'ble Supreme Court of India, in the case of **Rabi**



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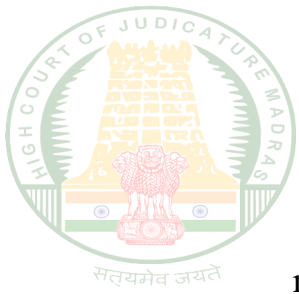
Prakash Vs. The State of Odhisha reported in 2023 Live Law (SC) 533

is of relevance.

12.The Revision Petitioner has raised substantial grounds in the Revision, which require detailed appraisal. Further, the Revision is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the Revision Petitioner is entitled to the relief of suspension of sentence and bail.

13.Accordingly, pending the Criminal Revision Case, the relief of suspension of sentence and bail is granted to Revision Petitioner, namely, Venkatachalam on the following conditions:-

- i. The Revision Petitioner shall surrender before the learned Judicial Magistrate 1, Sankari, within three weeks from the date of receipt of a copy of this order and on such surrender, the Revision Petitioner is ordered to be released on bail, on his executing a personal bond, along with two sureties for a sum of **Rs.15,000/-** each , subject to furnishing undertaking that he will co-operate in the hearing of the present Revision.
- ii. The Revision Petitioner and sureties shall affix their Photographs and Left Thumb Impression in the bond and the above said Court



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may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity.

- iii. The Petitioner shall appear before the Judicial Magistrate No.I, Sankari, once in every month, ie., on the first working day, commencing from the month of July 2025, at 10.30 a.m., until further orders.
- iv. On acceptance of his bail bonds and sureties, the Trial Court shall transmit photostat copies thereof to this Court for being kept on records of this Revision.

14. With the above directions, this Criminal Miscellaneous Petition is ordered.

04.06.2026
(2/2)

Index:Yes/No
Web:Yes/No
msr

To

1. The Judicial Magistrate 1, Sankari
2. The Addl. District and Sessions Court, Salem
3. The Inspector of Police,
Sankari Police Station,
Salem District.
4. The Public Prosecutor, High Court, Madras.



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SHAMIM AHMED, J.

msr

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