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CRL MP No. 7899 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-06-2026

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THE HON'BLE MR.JUSTICE SHAMIM AHMED

CRL MP No. 7899 of 2026

IN

CRL RC NO. 991 OF 2026

V.Palanisamy
S/o.Vinayagam,
No.2/44, Chivippi,
Ezhuvarur Post,
Kamuthi,
Ramanathapuram District.

..Petitioner(s)

Vs

State by,
The Inspector of Police,
TIW-West Police Station,
Coimbatore City.
Cr.No.283 of 2021.

..Respondent(s)

Prayer:- This Criminal Miscellaneous Petition has been filed, under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), praying to suspend the sentence of imprisonment imposed in the judgment dated 29.01.2026 made in C.A.No.34 of 2025 on the file of the learned 3rd Additional District Sessions Court, Coimbatore confirming the conviction imposed in the judgment dated 07.01.2025 made in CC.No.290 of 2022 on the file of the learned Judicial Magistrate No.8, Coimbatore pending disposal of the above revision petition before this Honble court.

For Petitioner(s):

Ms. R. Madhubala For Mr. A.Saravanan



For Respondent(s): Mr. M. M.I. Khaleel, Govt. Advocate (crl. Side)

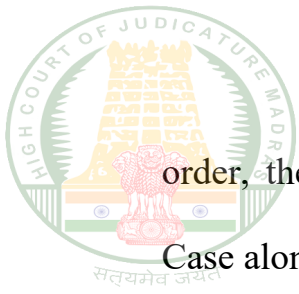
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ORDER

This Criminal Miscellaneous Petition has been filed by the Revision Petitioner, praying to suspend the sentence of imprisonment imposed on the Revision Petitioner in C.A.No.34 of 2025, dated 29.01.2026, by the learned 3rd Additional District Sessions Court, Coimbatore, confirming the conviction and sentence imposed in the judgment dated 07.01.2025, made in C.C.No.290 of 2022, by the learned Judicial Magistrate No.8, Coimbatore, till the disposal of the instant Criminal Revision Petition.

2.By the impugned judgment of conviction and sentence and order of the Trial Court, the Revision Petitioner was convicted for the offences punishable under Sections 279 and 304(A) of IPC and sentenced to undergo Simple Imprisonment for a period of three months for the offence under Section 279 IPC and to undergo Simple Imprisonment for a period of two years for the offence under Section 304(A) IPC, with the sentences ordered to run concurrently. The judgment of conviction and sentence of the Trial Court was confirmed by the lower appellate Court, by its impugned judgment. The fine amount has already been paid by the petitioner.

3.Challenging the above said judgment of conviction and sentence and



order, the Revision Petitioner has filed the accompanying Criminal Revision Case along with the instant Criminal Miscellaneous Petition, seeking suspension of sentence and bail pending disposal of the Criminal Revision.

4.This Court heard Ms. R. Madhubala, learned counsel appearing for Mr. A. Saravanan, the learned counsel for the Revision Petitioner and Mr. M. M.I. Khaleel, learned Government Advocate (Criminal Side) for the Respondent State, considered their submissions, and also perused materials placed before this Court.

5.The learned counsel for the Revision Petitioner has submitted that the case of the prosecution is that on 03.12.2021 at 1.25 p.m., the respondent police registered a case in Crime No.283 of 2021 based on a complaint from Shenbagapriya. It is alleged that the petitioner, while driving a Lorry bearing No. TN 99 L 5499 along Covai Pollachi main Road near the Royal Enfield Showroom, drove in a rash and negligent manner and caused an accident involving a TVS Wego scooter, resulting in the death of the victim. After completing the investigation, a final report was laid and taken on file as C.C.No.290 of 2022.

6.It is further argued by the learned counsel for the Revision Petitioner that the learned Trial Court and the First Appellate Court failed to appreciate



that the prosecution version suffers from inherent contradictions. The presence and testimonies of the purported eye-witnesses PW-2 and PW-3 are highly doubtful, and their statements are hearsay and substantially improved during cross-examination. It was further argued that there is no structural legal evidence to prove the factum of rash and negligent driving, as speed alone cannot be the decisive factor to establish negligence. Learned counsel also raised a legal ground that the lower appellate court delivered its judgment on 29.01.2026 in the absence of the accused, without securing his presence or issuing a warrant, making the application for suspension maintainable under the settled positions of law. It was submitted that the petitioner has an arguable case with a fair chance of success. Thus, the learned counsel has prayed for suspension of sentence and bail.

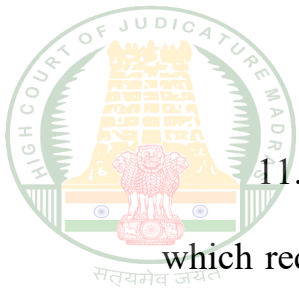
7.It has been assured on behalf of the Revision Petitioner that he is ready to cooperate with the process of law and shall faithfully make himself available before the Court whenever required, and is also ready to accept all the conditions which the Court may deem fit to impose upon him. The Revision Petitioner undertakes that in case he is released on bail, he will not misuse the liberty of bail and will cooperate in the disposal of the Revision. It is further noted that the petitioner was on bail pending trial as well as appeal, and he is currently not in custody.



8. 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 judgments passed by both the Courts below are perfectly in accordance with the law, based on the clear oral evidence of PW-1 to PW-6, and thus, the relief sought by the Revision Petitioner at this stage be refused by this Court.

9. 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 as well as the Appellate Court have failed to fully appreciate the material discrepancies regarding the identification of the vehicle and the elements of rashness, and during the Trial and appeal, the Revision Petitioner was also on bail.

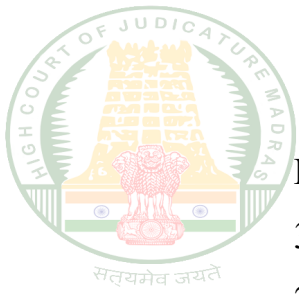
10. Further, it is observed that when the accused has been on bail during the trial and appeal stages, and when there are substantial arguable points in the Revision which favour the accused, then the Courts should not shy from granting suspension of sentence, as the liberty of the individual would be 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 Prakash Vs. The State of Odhisha reported in 2023 Live Law (SC) 533*** is of relevance.



11. The Revision Petitioner has raised substantial grounds in the Revision, which require detailed appraisal. Further, the Revision is not likely to be taken up for final hearing 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.

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

- i. The Revision Petitioner shall surrender before the Learned Judicial Magistrate No.8, Coimbatore 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 executing a personal bond, along with two sureties for a sum of Rs. 15,000/- (Rupees Fifteen Thousand only) each, subject to furnishing an undertaking that he will cooperate 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 may obtain a copy of their Aadhaar card or Bank passbook to ensure their identity.
- iii. The Petitioner shall appear before the Learned Judicial



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Magistrate No.8, Coimbatore once in every month, i.e., on the 3rd day of every month commencing from the month of July 2026 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.

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

04-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

1. The Inspector of Police,
TIW-West Police Station,
Coimbatore City.

2. The Judicial Magistrate No.8,
Coimbatore.

3. The Public Prosecutor,
Madras High Court.



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SHAMIM AHMED, J.

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