



Crl.M.P.No.8286 of 2026
in
Crl.A.No.609 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 10.06.2026

Coram:

The Honourable Mr.Justice C.Saravanan

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in
Crl.A.No.609 of 2026

Ilaiyaraja

...Petitioner

Vs.

The State,
Represented by
The Inspector of Police,
J-2, Adyar,
Traffic Investigation Wing Police Station,
Chennai-600 020.

...Respondent

For Petitioner	: Mr.M.Kaviraj
For Respondent	: Mr.Mohamed Riyaz Government Advocate (Criminal Side)

Interim Order

The Petitioner/Appellant has been arrayed as first accused in S.C.No.381 of 2023 on the file of the I Additional Sessions Judge, V Additional Court (FAC), CCC, Chennai (for short, Trial Court) wherein, as

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many as four charges were framed against the Petitioner/Appellant-A1 as

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detailed below in a tabular column:-

Name of the accused	Charges framed against the accused
Ilaiyaraja (A1)	Offence under Sections 279, 304 (ii), 338 of IPC and Section 185 of MV Act, 1988

2. After full-fledged trial, the Trial Court convicted the Petitioner/Appellant-A1 and sentenced him as follows:-

Sl.No.	Section	Sentence
1.	279 IPC	To undergo pay a fine of Rs.1000/- in default, to undergo 15 days S.I.
2.	304 (A) IPC	To undergo 18 months R.I. and to pay a sum of Rs.5,000/- in default to undergo 3 months S.I.
3.	338 IPC	To undergo 6 months R.I. and to pay a sum of Rs.2,000/- in default to undergo 1 month S.I.
4.	185 MV Act	Acquitted

3. Aggrieved by the conviction and sentence, the Petitioner/Appellant-A1 is before this Court by filing the above Criminal Appeal. Pending



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disposal of the same, the Petitioner/Appellant-A1 has filed this Criminal Miscellaneous Petition under Section 430 (1) of BNSS Act for suspending the sentence awarded by the Trial Court.

4. The challenge to the aforesaid Impugned Judgement of the Trial Court is primarily on the ground that initially, the Petitioner/Appellant-A1 was charged for offence under Section 304 (ii) and 308 of IPC and Section 185 of MV Act, 1988.

5. Before the Trial Court about 14 witnesses were examined, which included one of the passengers, who got injured in the Auto, which was involved in the accident.

6. It appears that during the pendency of trial, the Auto Driver succumbed to death due to the accident and that PW3, who was a passenger in the Auto was injured and was treated by PW9.

7. Before the Trial Court, PW2 and PW3 were examined as Eye Witnesses, two of whom were Spectators, who are stated to have witnessed



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the accident. PW4 and PW5 were Mahazar Witnesses and PW6 to PW10, were Physicians, were examined.

8. During the pendency of the Trial, the second accused died. Thus, the case against the second accused abated. The third accused has reportedly secured a favourable order under Section 482 of Cr.P.C. in Crl.O.P.No.7747 of 2022. He was a fellow passenger.

9. The admitted position is that the Petitioner/Appellant-A1 as also the A2 had consumed alcohol at the time of the accident. Evidence of the Forensic Expert is that they were not to be found under the influence of alcohol. In this background, the Trial Court has convicted the Petitioner/Appellant-A1 for the above offence and sentenced him to the above punishment.

10. It is the submissions of the learned counsel for the Petitioner/Appellant-A1 that the decision arrived at by the Trial Court for convicting the Petitioner/Appellant-A1 for the aforesaid offence and sentencing him to undergo the above punishment is based on incorrect appreciation of evidence.



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11. It is submitted that the Auto Driver, who died in the said accident was driving the Auto from wrong direction, which resulted in the accident.

12. That apart, it is submitted that the alteration of the charges from Section 304(ii) & 308 of IPC into Section 304(A) & 338 of IPC and Section 185 of MV Act, 1988 as mentioned above would clearly indicate that the Prosecution has not made out a case for conviction beyond any reasonable doubt. If the Petitioner/Appellant-A1 was put to notice for the offence under the aforesaid Sections, certainly, the Petitioner/Appellant-A1 should have been put to defend himself and to elicit proper evidence during the trial.

13. Having considered the submissions of the learned counsel for the Petitioner/Appellant-A1 and the learned Government Advocate (Crl.Side) for the Respondent/State, I am of the view that the matter requires a detailed consideration based on the submissions of the learned counsel for both the parties.

14. The Petitioner/Appellant-A1 has been sentenced to undergo 18 months imprisonment, out of which, already the Petitioner/Appellant-A1 has



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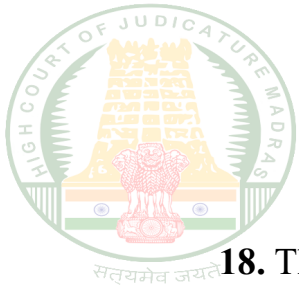
been under incarceration for a period of 28 days prior to trial. The

Petitioner/Appellant-A1 ought to have surrendered before the Trial Court after the Petitioner/Appellant-A1 was convicted. Thereafter, the Petitioner/Appellant-A1 should have been released on bail on terms. However, the Petitioner/Appellant-A1 has not followed the above procedure.

15. The Petitioner/Appellant-A1 is therefore directed to appear before the Trial Court along with a bail petition on 12.06.2026.

16. If such an application is moved by the Petitioner/Appellant-A1, the Trial Court may consider the same on merits and pass appropriate orders on the same date. In case the Petitioner/Appellant-A1 is to be ordered to be released on bail, suitable conditions may be imposed.

17. In case, the Petitioner/Appellant-A1 fails to comply with the above stipulations, the Trial Court shall proceed to issue Non-Bailable Warrant against the Petitioner/Appellant-A1 to secure his presence.



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18. This Order is without prejudice to the Rights of the Petitioner/Appellant-

A1 to move a separate Bail Petition.

19. This Criminal Miscellaneous Petition is disposed of on the aforesaid terms.

10.06.2026

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Index : yes/no

Neutral Citation : yes/no

To

1. I Additional Sessions Judge,
V Additional Court (FAC), CCC, Chennai
2. The Inspector of Police,
State of T.N
J-2, Adyar, Traffic Investigation Wing Police Station
Chennai- 600 020.
3. The Public Prosecutor, High Court, Madras.



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