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CRL MP No. 9131 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-06-2026

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THE HON'BLE MR.JUSTICE SHAMIM AHMED

CRL MP No. 9131 of 2026

IN

CRL RC NO. 1152 OF 2026

Annamalai
S/o.Rathinavelu,
No.71/1, Vallaiyan Kohn Veedhi,
Kalanivasal Kaaraikudi,
Thirupattur,
Sivagangai District.

..Petitioner(s)

Vs

State Rep by its, Inspector of Police,
Kangeyam Police Station,
Kangeyam,
Thiruppur.
Crime No.102/2021

..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 imposed upon the Petitioner by the III Additional District and Sessions Judge, Dharapuram in C.A.No.117 of 2025 judgement dated 10.04.2026 by confirming the sentence and imprisonment passed in C.C.No.43 of 2022 dated 26.06.2025 by the Judicial Magistrate, Kangeyam pending disposal of the Criminal Revision and thus render justice.

For Petitioner(s): Mr.M.Jayavaradhan

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

**ORDER**

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This Criminal Miscellaneous Petition has been filed, by the Revision Petitioner, praying to suspend the sentence, imposed on the Revision Petitioner, in C.A.No.117 of 2025, dated 10.04.2026, by the III Additional District and Sessions Court, Dharapuram, confirming the Judgement of conviction and sentence and order, dated 26.06.2025, made in CC.No.43 of 2022, by the Judicial Magistrate, Kangeyam, till the disposal of the instant Criminal Revision Petition.

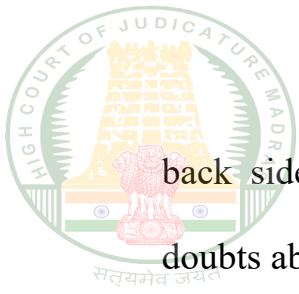
2.By the impugned judgement of conviction and sentence and order of the Trial Court, the Revision Petitioner was convicted for the offences punishable under Sections 279 and 304(A) of IPC and sentenced to undergo Simple Imprisonment for a period of three months for the offence under Section 279 IPC and to undergo Simple Imprisonment for a period of two years for the offence under Section 304(A) IPC, with both sentences ordered to run concurrently. The impugned 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. It is submitted that during the trial and the subsequent appeal, the petitioner's sentence was suspended, and the petitioner is not currently in jail.



3. Challenging the above said judgement of conviction and sentence and order, the Revision Petitioner has filed the above Criminal Revision Petition along with the instant Criminal Miscellaneous Petition, seeking suspension of sentence and bail pending disposal of the Criminal Revision.

4. This Court heard Mr. M. Jayavaradhan, the learned counsel for the Revision Petitioner and Mr. M. M. M. Khaleel, learned Government Advocate (Criminal Side) for the Respondent and considered their submissions and also perused materials placed before this Court.

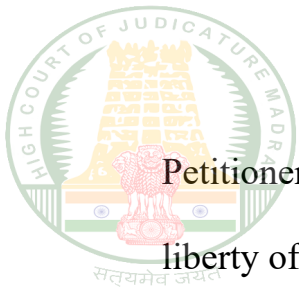
5. The learned counsel for the Revision Petitioner has submitted that the prosecution case rests on an accident involving a Tanker Lorry bearing Reg. No. TN-45 BF 6091 and a two-wheeler, occurring in the midnight hours of 31.01.2021. It is argued that the Courts below failed to note that the complaint given by PW1 is highly unacceptable as he was driving a bus in front of the two-wheeler and could not have a direct view of the accident occurring behind him. Furthermore, both the courts failed to take note of the heavy winter fog and midnight visibility constraints, which restrict the rear-mirror view to a mere 10 to 20 feet. It is further argued that the Trial Court simply convicted the accused by relying upon the testimonies of PW1 and PW2 who were not direct eye-witnesses, while completely ignoring the testimonies of PW7 and PW8. The evidence of PW7 and PW8 clearly indicates that the bike of the deceased hit the



back side of the bus before the collision with the lorry, raising substantial doubts about the core of the prosecution's narrative. In the light of these material infirmities and major contradictions, it was argued that the judgments passed by both the Courts below were based on surmises and conjectures without considering the entire crystal part of the evidence on record.

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

7. 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 erroneous conclusion of criminal negligence 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



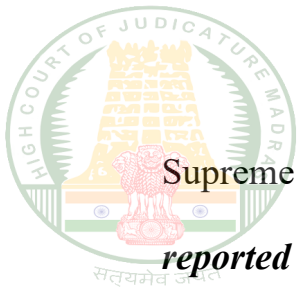
Petitioner undertakes that in case he is released on bail, he will not misuse the liberty of bail and will cooperate in disposal of Revision.

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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 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.

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 has failed to properly appreciate the evidence on record regarding visibility and the positioning of the vehicles, and the judgment was passed without adequately considering the entire materials placed before it. It is also noted that during the Trial and during the pendency of the appeal, the Revision Petitioner was on bail.

10.Further, it is observed that when the accused have been under threat of incarceration 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 Prakash Vs. The State of Odisha*** reported in 2023 Live Law (SC) 533 is of relevance.

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11.The Revision Petitioner has raised substantial grounds in the Revision, particularly concerning the reliability of the purported eye-witnesses, 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.

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 Judicial Magistrate, Kangayam 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/- (Rupees fifteen thousand only) each, subject to furnishing an 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 may obtain a copy of



their Aadhaar card or Bank pass Book to ensure their identity.

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iii. The Petitioner shall appear before the Judicial Magistrate, Kangeyam once in every month, ie., on 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.

05-06-2026

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

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To

1. Inspector of Police,
Kangeyam Police Station,
Kangeyam, Thiruppur.

2. Judicial Magistrate, Kangeyam.

3. III Additional District and Sessions Court, Dharapuram

4. Public Prosecutor, Madras High Court.



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SHAMIM AHMED, J.

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