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CRL MP No. 8388 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-05-2026

CORAM

THE HON'BLE MRS.JUSTICE L.VICTORIA GOWRI

CRL MP No. 8388 of 2026

IN

CRL RC NO. 1036 OF 2026

S.Rajesh Kumar S/o. Sakthivel,
No.344, Colony Street,
Mannarkudi, Palaiyur Post,
Tiruvavarur District - 614 705.

..Petitioner(s)

Vs

State represented by:

The Sub Inspector of Police,
E3, Teynampet Police Station,
Chennai.
[Cr.No.336 of 2021]

..Respondent(s)

PRAYER: This Criminal Miscellaneous Petition has been filed under Section 438(1) of B.N.S.S. to suspend the sentence imposed on the petitioner in CC.No.1066 of 2023 dated 05.02.2024 on the file of the XVIII Metropolitan Magistrate, Saidapet as confirmed by the Judgment dated 08.04.2026 in Crl.A.No.157 of 2024 on the file of the VII Additional District and Sessions Judge, Chennai pending disposal of the Criminal Revision Petition.

For Petitioner(s):

Mr. Ams Legal

For Respondent(s):

Mr. A. Damodaran,
Additional Public Prosecutor.

**ORDER**

This Criminal Miscellaneous Petition has been filed seeking suspension of sentence of imprisonment, imposed on the petitioner in CC.No.1066 of 2023 dated 05.02.2024 on the file of the XVIII Metropolitan Magistrate, Saidapet.

2. The conviction and sentence imposed against the petitioner/appellant, vide impugned judgment are as follows:-

<i>Under Sections</i>	<i>Sentence</i>
304-A of IPC	6 months Simple Imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo simple imprisonment for a period of one month.

2. The instant petition has been filed to suspend the sentence imposed on the petitioner pending disposal of the above revision.

3. The case of the prosecution is that on 27.08.2021, when the deceased Thirunavukkarasu, who is the driver of a Lorry bearing Registration No.TN25 AB 3556, had unloaded the rice bags at the Tamil Nadu Nugarporul Vaniba Kazhagam (Tamil Nadu Consumer Trading Corporation TNCTC) Godown at Chamiers Road and was closing the rear door of the Lorry, another Lorry bearing Registration No.TN23 AS 1045 was driven by the accused in a rash and



negligent manner on the reverse direction and hit the deceased Thirunavukkarasu, which resulted in his death. Hence the case.

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4. The learned counsel for the petitioner would submit that both the Courts have failed to appreciate the oral and documentary evidences properly and have erroneously convicted the petitioner and the prosecution have failed to establish their case beyond reasonable doubt. He would further submit that the petitioner/appellant is an innocent and has been falsely implicated in this case, that there are arguable points available in the Criminal Appeal and that the petitioner/appellant has a fair chance of succeeding in the appeal and hence, he prayed to suspend the sentence imposed on the petitioner.

5. The learned Additional Public Prosecutor appearing for the respondent would submit that the trial Court, after taking into consideration the oral and documentary evidence produced by the prosecution, rightly found the petitioner/appellant guilty and convicted and sentenced him, as stated above.

6. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.



7. Having regard to the submission made by the learned counsel for the petitioner that there are substantial grounds raised in the above revision which require consideration, this Court is inclined to grant suspension of sentence and exempt the petitioner from surrendering before the Trial Court, subject to the following conditions:

(i) The petitioner shall execute a bond for a sum of Rs.10,000/-, with two sureties, each for a like sum to the satisfaction of the learned XVIII Metropolitan Magistrate, Saidapet, Chennai;

(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 appeal 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.



8. Accordingly, this Criminal Miscellaneous Petition is ordered.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MJS / VEDA

Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.

2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1. The VII Additional District and Sessions Judge, Chennai
2. The XVIII Metropolitan Magistrate, Saidapet, Chennai.
3. The Sub Inspector of Police, E3, Teynampet Police Station, Chennai.
4. The Public Prosecutor, High Court of Madras.



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L.VICTORIA GOWRI, J.

MJS / VEDA

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