



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-05-2026

CORAM

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

CRL MP Nos. 8501 & 8502 of 2026

IN

CRL RC NO. 1049 OF 2026

Kirubakaran

..Petitioner(s) in
both Crl.M.P's

Vs

State Rep. by
The Inspector of Police
TIW (E) Coimbatore City Police Station,
Crime No. 634/2015.

..Respondent(s)
in both Crl.M.P's

Prayer in CRL MP No. 8501 of 2026: This petition is filed under Section 430 of BNSS, 2023, pleaded to suspend the sentence passed in Crl.A.No. 83/2025 dated 11.03.2026 on the file of Learned I Additional District and Sessions Judge, Coimbatore.

Prayer in CRL.M.P.No.8502 of 2026: This petition is filed under Section 430 of BNSS, 2023, pleaded to exempt the petitioner from surrendering in connection with order in Crl.A.No. 83 of 2025 dated 11.03.2026 on the file of Learned I Additional District and Sessions Judge, Coimbatore.

In Both Crl.M.P's:-

For Petitioner(s):

Mr.R.Vivekananthan

For Respondent(s):

Mr.S.Yogaraja Sekar

Government Advocate (Criminal side)

**COMMON ORDER**

Heard Mr.R.Vivekananthan, learned Counsel for the Revision Petitioner and Mr.S.Yogaraja Sekar, learned Government Advocate (Criminal side), who accepts notice on behalf of the Respondent.

2. Criminal Miscellaneous Petitions have been filed praying to suspend the sentence imposed upon petitioner by the learned Chief Judicial Magistrate Coimbatore, in C.C.No.220 of 2018, dated 26.02.2025, which was confirmed by learned I Additional District and Sessions Judge, Coimbatore, in Crl.A.No.83 of 2025, dated 11.03.2026 and to exempt the petitioner from surrendering before the Court below.

3. Learned counsel for petitioner would submit that petitioner was convicted and sentenced by Chief Judicial Magistrate Coimbatore, in C.C.No.220 of 2018, dated 26.02.2025 for the following offences:

(i) to undergo Simple Imprisonment for a period of one year and to pay a fine of Rs.10,000/- in default of payment, to undergo Simple Imprisonment for a period of three months, for offence under Section 304 A of IPC.

3.1. Aggrieved, petitioner filed Criminal Appeal No.83 of 2025 before learned I Additional District and Sessions Judge, Coimbatore, and lower Appellate Court vide order dated 11.03.2026, dismissed the appeal confirming



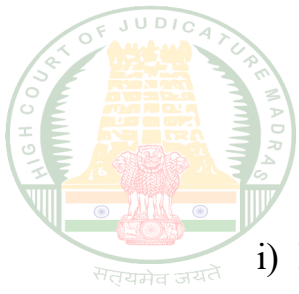
the judgment passed by Trial Court. Aggrieved, petitioner filed present Criminal Revision Petition in Crl.RC.No.1049 of 2026 before this Court along with instant miscellaneous petitions seeking suspension of sentence and exemption from surrender.

4. Learned Counsel for petitioner would further submit that petitioner has raised substantial grounds in above revision, which requires consideration; and that he also paid fine amount as per the order of trial Court. Hence, he prayed for granting suspension of sentence to the petitioner.

5. Learned Government Advocate (Criminal side) appearing for respondent opposed the submissions of learned counsel for petitioner and submitted that judgments passed by Courts below are as per law after considering the entire evidence, thus the relief sought by petitioner at this stage be refused by this Court.

6. Considering the fact that there are arguable points raised in revision and taking into consideration, facts and circumstances of the case and that it is also likely to take a while before the revision is finally heard¹, this Court is inclined to grant suspension of sentence and exempt the petitioner from surrendering before the trial court, on the following conditions, till the disposal of above Criminal Revision:

¹ Atul Alias Ashutosh vs. State of Madhya Pradesh, (2024) 3 SCC 663



i) Petitioner is directed to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of Chief Judicial Magistrate, Coimbatore;

ii) 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;

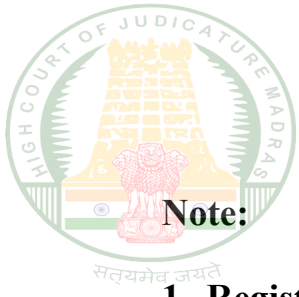
iii) Petitioner shall appear and sign before the learned Chief Judicial Magistrate, Coimbatore, on the first working day of every month at 10.30 a.m., until the disposal of revision;

iv) In case, if petitioner is not able to appear before the trial Court on that day, he shall make arrangements to file an application under Section 317 Cr.P.C. (corresponding to 355 B.N.S.S) 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.

7. Accordingly, these Criminal Miscellaneous Petitions are **ordered**.

27-05-2026

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Note:

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

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

To

1. The Chief Judicial Magistrate, Coimbatore.
2. I Additional District and Sessions Judge, Coimbatore,
3. The Inspector of Police
TIW (E) Coimbatore City Police Station,
4. The Public Prosecutor
High Court of Madras.



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MOHAMMED SHAFFIQ, J.

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IN
CRL RC NO. 1049 OF 2026**

**27-05-2026
(2/2)**