



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 08-06-2026**

CORAM

**THE HON'BLE MR.JUSTICE SHAMIM AHMED**

**CRL MP No. 9214 of 2026**

**in**

**CRL RC NO. 1157 OF 2026**

Maheswaran  
S/o Duraisamy,  
54, Arasamara Street,  
Arumparuthi,  
Katpadi Taluk,  
Vellore.

Previously at,  
Pavadi Garden,  
Olapalayam,  
Gobichettipalayam Taluk,  
Erode.

..Petitioner(s)

Vs

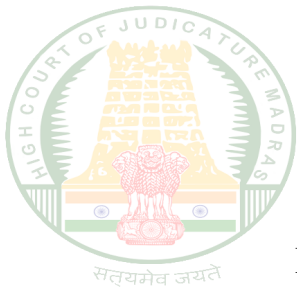
The State Rep By, The Inspector of Police  
Anupparpalayam Police Station,  
Crime No.4206 of 2020,  
Tiruppur.

..Respondent(s)

Prayer: To Suspend the sentence of imprisonment imposed in the judgment dated 24.04.2026 made in CA.No.137 of 2024 on the file of the learned . I Additional District and Sessions Judge, Tiruppur confirming the conviction imposed in the judgment dated 11.03.2024 made in CC.No.227 of 2022 on the file of the Ld. Judicial Magistrate No.III (FAC), Tiruppur and enlarge the petitioner on bail pending disposal of the above Criminal Revision Case.

For Petitioner(s):

Mr. N.Manoharan



WEB COPY



For Respondent(s):

Mr.M.Dinesh,  
Govt. Advocate (crl.side)

### **ORDER**

- 1.This Criminal Miscellaneous Petition has been filed, by the Revision Petitioner, praying to suspend the sentence, imposed on the Revision Petitioner, in Crl.A.No.137 of 2024 , dated 24.04.2026, by the I Addl. District and Sessions Judge, Tiruppur, confirming the Judgement of conviction and sentence and order, dated 11.03.2024, made in CC.No.227 of 2022, by the Judicial Magistrate No.III (FAC), Tiruppur and enlarge the petitioner on bail , 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 and sentenced for the offence punishable under Section 279 of IPC, to undergo Simple Imprisonment for 6 months and for offence under section 304(A) IPC, to undergo 2 years Rigorous Imprisonment. The impugned judgement 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.
- 3.Challenging the above said judgement of conviction and sentence and order, the Revision Petitioner has filed the above **Crl.RC.No.1157 of 2026**, along



with the instant Criminal Miscellaneous Petition, seeking suspension of sentence and bail.

WEB COPY

4.This Court heard Mr.N.Manoharan, the learned counsel for the Revision Petitioner and Mr.M.Dinesh, the 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 case of the prosecution is that the petitioner who was driving crane vehicle is alleged to have driven the same in a rash and negligent manner and dashed against one Iswarya, who was riding in the two wheeler. Due to the fatal injuries sustained by her, she succumbed to injuries. He further submitted that the prosecution has failed to establish that the petitioner was rash and negligent in driving the vehicle at the relevant point of time. Further the courts below have simply relied upon the evidence of PW5, PW7 and PW8 and proceeded to convict the petitioner. However, in their cross examination, there were material contradictions and the same has not been considered by both the courts below. The Doctor who issued Ex.P.10/Accident Register and Ex.P.11/Post Mortem Certificate has not been examined, hence in the absence of medical evidence, conviction u/s.304 (A) IPC is unsustainable in law. In the light of the above infirmities and discrepancies in the evidence of the prosecution witnesses for the alleged seizure and recovery of material objects it is highly unsafe to place reliance on those evidences to invoke



WEB COPY

presumption against the Revision Petitioner. It was further argued that the learned Trial Court as well as appellate Court also failed to notice the discrepancies in the deposition of witnesses and the crystal part of the evidences was not at all assessed by both the Courts below. It was further argued that the judgment passed by both the Courts below was based on surmises and conjectures without considering the entire 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 false implication of the accused 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.

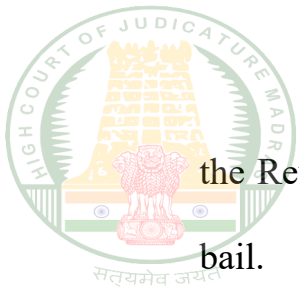
8. The learned Government Advocate (Criminal Side) for the Respondent has

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 appreciate the evidence on record and the judgment was passed without considering the entire materials place before it and during the Trial the Revision Petitioner was also on bail.

10. Further, it is observed that when the accused have been under incarceration for sometime 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 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 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.

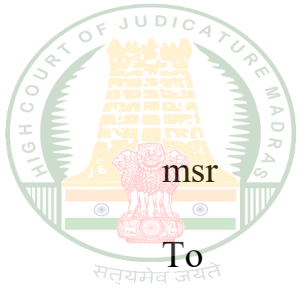
WEB COPY

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

- i. The Revision Petitioner shall surrender before the learned Judicial Magistrate No.3, Tiruppur 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/-** each, subject to furnishing 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.
- iii. The Petitioner shall appear before the Judicial Magistrate No.3, Tiruppur once in every month, ie., on the first working day, 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.
- v. Realisation of fine amount, if any, is suspended.

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

08.06.2026



To

WEB COPY

1. The Judicial Magistrate No.3, Tiruppur
2. The I Addl. District and Sessions Judge, Tiruppur
3. The Inspector of Police, Anupparpalayam Police Station  
Tiruppur.
4. The Public Prosecutor, Madras High Court, Chennai.



WEB COPY

CRL MP No. 9214 of 2



**SHAMIM AHMED J.**

msr

**CRL MP No. 9214 of 2026  
in  
CRL RC NO. 1157 OF 2026**

**08-06-2026**