



Crl.M.P.No.9701 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 16.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

Crl.M.P.No.9701 of 2026
in
Crl.R.C.No.1208 of 2026

Rajkumar

... Revision Petitioner

Vs

State, represented by
the Inspector of Police,
C5 Vengal Police Station,
Thiruvallur
Crime No.1649 of 2012

... Respondent

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 on the Revision Petitioner, in Crl.A.No.26 of 2023, dated 21.04.2026, by the I Addl. District and Sessions Judge, Tiruvallur, confirming the Judgement of conviction and sentence and order, dated 28.12.2022, made in C.C.No.74 of 2012, by the Judicial Magistrate I, Tiruvallur till the disposal of the instant Criminal Revision Petition.

For Revision Petitioner :Mr. Leonard Arul Joseph Selvam

For Respondent : Mr. M.Dinesh,



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Govt. Advocate (crl.side)

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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.26 of 2023, dated 21.04.2026, by the I Addl. District and Sessions Judge, Tiruvallur, confirming the Judgement of conviction and sentence and order, dated 28.12.2022, made in CC.No.74 of 2012, by the Judicial Magistrate I, Tiruvallur 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 offences as follows:

Petitioner	Conviction	Sentence
A2	U/s.304(A) IPC (5 counts)	To undergo Rigorous Imprisonment for 1 and ½ years each and to pay a fine of Rs.1000/- each, in default, to undergo Rigorous Imprisonment for a period of one month
	U/s.338 IPC (2 counts)	To undergo Rigorous Imprisonment for six months each
	u/s.337 IPC (2 counts)	To undergo Rigorous Imprisonment for a period of three months each

The sentences of imprisonment are ordered to run concurrently.



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3.Challenging the above said judgement of conviction and sentence and

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4.This Court heard Mr.Leonard Arul Joseph Selvam, the learned counsel for the Revision Petitioner and Mr.M.Dinesh, 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 petitioner who is a lorry driver is alleged to have drove the vehicle in a rash and negligent manner and dashed against the school students and due to the impact, five persons succumbed to injuries and four persons sustained grievous injuries. Both the courts below have failed to properly appreciate the evidence adduced by the prosecution, in as much as the alleged rash and negligent driving of the petitioner was not proved. Though PW1 and PW2 were cited in the final report as eye witnesses, in their depositions they categorically admitted that they have not witnessed the incident. Further PW16-Investigation Officer also categorically admitted in cross-examination that there were no eye-



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witnesses to the alleged incident. In the light of the above infirmities

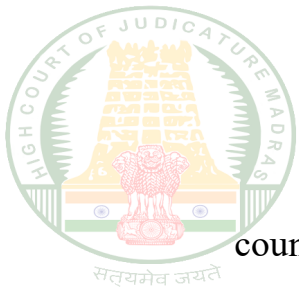
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and discrepancies in the evidence of the prosecution witnesses, both the

Courts below have failed to consider that the prosecution has not proved its case beyond any doubt. 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



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counsel, led to the false implication of the accused have also been

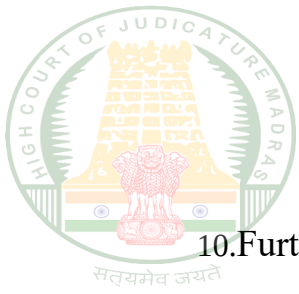
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touched upon at length. It has been assured on behalf of the Revision

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.



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

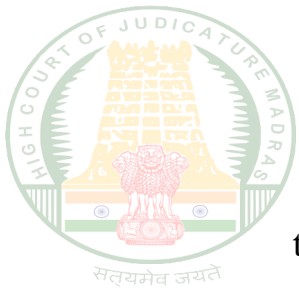
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incarceration for sometime and when there are points in the Revision, which favour the accused, then the Courts should not shy from granting suspension of sentence, as the liberty of the individual would be at stake, if the revision results in acquittal 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.

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

- i. The Revision Petitioner shall surrender before the Judicial Magistrate, No.1, Tiruvallur 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



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thousand only) 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.I, Tiruvallur 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.

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

16.06.2026

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Index:Yes/No

Web:Yes/No

Speaking/Non Speaking

Neutral Citation

msr

To

- 1.The I Addl. District and Sessions Judge, Tiruvallur
- 2.The Judicial Magistrate No.1, Tiruvallur
- 3.The Public Prosecutor, Madras High Court.
- 4.The Inspector of Police,
C5, Vengal Police Station,
Tiruvallur.



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SHAMIM AHMED, J.

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