



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-01-2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CRL MP No. 428 of 2026

IN

CRL RC NO. 56 OF 2026

Malayan

Petitioner(s)

Vs

State Represented by Inspector of Police
Kodumudi Police Station, Erode District. Crime No.
138/2017.

Respondent(s)

PRAYER

To suspend the sentence of imprisonment in pursuance to the judgment dated 24.11.2025 passed in CrI.A.No.199 of 2023 on the file of the learned II Additional District Judge, Erode, confirming the order dated 12.06.2023 passed in C.C.No.80 of 2017 on the file of the learned District Munsif-cum- Judicial Magistrate, Kodumudi and enlarge the petitioner on bail, pending disposal of the criminal revision.

For Petitioner(s): Mr.N.Palanikumar



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For Respondent(s): Mr.R.Vinothraja,
Government Advocate (Crl.Side0)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by the judgment dated 12.06.2023 passed in C.C.No.80 of 2017 by the learned District Munsif-cum-Judicial Magistrate, Kodumudi, pending disposal of the above criminal revision, and to enlarge the petitioner on bail.

2. The petitioner/accused in C.C.No.80 of 2017 was convicted by the Trial Court by judgment dated 12.06.2023 for the offence under Section 279 of IPC and sentenced to pay a fine of Rs.1,000/-, in default, to undergo one month rigorous imprisonment; for the offence under Section 304(A) of IPC, to undergo one year rigorous imprisonment; and for the offence under Section 255(2) of IPC, to pay a fine of Rs.5,000/-, in default, to undergo one month rigorous imprisonment. Aggrieved by the same, the petitioner has filed Crl.R.C.No.56 of 2026 before this Court along with the present Criminal Miscellaneous Petition seeking suspension of sentence and grant of bail.

3. It is the case of the prosecution that on 09.05.2017 at about 09.30 p.m., when the victim was walking on the road, the petitioner drove his lorry in a rash and negligent manner, dashed against the victim, and thereby caused the death



of the victim.

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4. The learned counsel for the petitioner submitted that the petitioner has raised substantial grounds in the above revision; that the evidence of the prosecution witnesses does not inspire confidence; that there are several infirmities in the prosecution case; and therefore prayed for suspension of the sentence imposed on the petitioner.

5. The learned counsel for the petitioner further submitted that the petitioner surrendered before the Trial Court on 19.01.2026 pursuant to the judgment of the Trial Court.

6. Heard the learned Government Advocate (Crl.Side) appearing for the respondent and perused the materials available on record.

7. It is seen from the impugned judgment and the grounds raised in the revision that the petitioner has made out a prima facie case for suspension of sentence, and that the infirmities pointed out by the petitioner requires consideration. Hence, this Court is inclined to grant the relief of suspension of sentence to the petitioner.



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8. Accordingly, this Criminal Miscellaneous Petition is allowed, and the sentence imposed on the petitioner is suspended till the disposal of the above Criminal Revision, and the petitioner is ordered to be released on bail on 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 District Munsif-cum-Judicial Magistrate, Kodumudi;

(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 week at 10.30 a.m. until the disposal of the revision 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.

22-01-2026

skr

Index: Yes/No



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

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To

1. Learned District Munsif-cum-Judicial Magistrate, Kodumudi.
2. The Inspector of Police, Kodumudi Police Station, Erode District.
3. The Public Prosecutor, Madras High Court, Chennai.



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SUNDER MOHAN J.
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