



CRL MP(MD). Nos.2712 & 2713 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : **09/02/2026**

CORAM

THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

CRL MP(MD). Nos.2712 & 2713 of 2026

in

CRL RC(MD)No.224 of 2026

Palavesam

... Petitioner

Vs

State of TamilNadu Rep.
By Inspector of Police,
Thermal Nagar Police Station
Thoothukudi.

Crime No.90 of 2015.

... Respondent

PRAYER in CrI.M.P.(MD).No.2712 of 2026 :-

To Suspend the sentence and release the petitioner on bail pending disposal of this Criminal Revision case before this Honourable Court as against the Judgment in Criminal Appeal No.83 of 2022 passed by the learned Principal Sessions Judge, Thoothukudi dated 17.12.2025 by confirming the judgement passed by learned Judicial Magistrate No.II, Thoothukudi in C.C.No.279 of 2015 dated 08.09.2022 and pass such further or other orders.

PRAYER in CrI.M.P.(MD).No.2713 of 2026 :-

To grant exemption from surrender relating to the conviction and sentence imposed against the petitioner in Criminal Appeal No.83 of 2022 by the learned Principal Sessions Judge, Thoothukudi dated 17.12.2025 by confirming the Judgment passed by learned Judicial Magistrate No.II, Thoothukudi in C.C.No.279 of 2015 dated 08.09.2022.



CRL MP(MD). Nos.2712 & 2713 of 2026

For Petitioner : Dr.R.Alagumani

For Respondent : Mr.M.Karunanithi
Government Advocate (crl.side)

ORDER

Heard Dr.R.Alagumani, learned Counsel for petitioner and Mr.M.Karunanithi, learned Government Advocate (crl.side) appearing for respondent.

2. These Criminal Miscellaneous Petitions have been filed, praying to suspend the sentence imposed on petitioner by Judicial Magistrate No.II, Thoothukudi, in C.C.No.279 of 2015 vide order dated 08.09.2022, which was confirmed by learned Principal Sessions Judge, Thoothukudi in Crl.A.No.83 of 2022, vide order dated 17.12.2025 and to exempt the petitioner from surrendering before the Court below.

3.Learned counsel for petitioner would submit that petitioner was convicted by Judicial Magistrate No.II, Thoothukudi, for offence punishable under Section 304(A) of IPC in C.C.No.279 of 2015 dated 08.09.2022 and sentenced as follows:



CRL MP(MD), Nos.2712 & 2713 of 2026

(i) to undergo six months Simple imprisonment for offence under section 304(A) of IPC.

4. Aggrieved, petitioner filed Criminal Appeal No.83 of 2022, before Principal Sessions Judge, Thoothukudi and the lower Appellate Court vide order dated 17.12.2025, dismissed the appeal and confirmed the judgment passed by Trial Court. Aggrieved, petitioner filed present Criminal Revision Petition in Crl.RC(MD)No.224 of 2026 before this Court along with instant miscellaneous petitions seeking suspension of sentence, bail and exemption from surrender.

5. Learned counsel for the petitioner would submit that the trial court failed to note that the prosecution has not proved that the alleged incident occurred due to rash and negligent driving of petitioner, and therefore, essential ingredient under Section 304(A) of IPC is not attracted, no witness had deposed about such rash and negligent driving.



CRL MP(MD), Nos.2712 & 2713 of 2026

6. Learned Counsel for petitioner would further submit that petitioner has raised substantial grounds in the above revision, which requires consideration. Hence, he prayed for granting suspension of sentence and bail to petitioner.

7. Learned Government Advocate (Crl.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.

8. 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, bail 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



CRL MP(MD). Nos.2712 & 2713 of 2026

i) Petitioner is directed to be enlarged on bail on his executing 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 the Principal Sessions Court, Thoothukudi.

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 Principal Sessions Court, Thoothukudi, on the first working day of every month at 10.30 a.m., until the disposal of revision;

iv) In case, petitioner is not able to appear before the said Court on any 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 said Court on any other day in lieu of the date of his absence, as directed by the said Court.

9. Accordingly, these Criminal Miscellaneous Petitions are ordered.

09.02.2026

1/2

gvn

5/6



WEB COPY



CRL MP(MD). Nos.2712 & 2713 of 2026

MOHAMMED SHAFFIQ, J

gvn

To

1. The Principal Sessions Judge,
Thoothukudi.

2. The Judicial Magistrate No.II, Thoothukudi.

3. The Inspector of Police,
Thermal Nagar Police Station,
Thoothukudi.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL MP(MD). Nos.2712 & 2713 of 2026

in

CRL RC(MD)No.224 of 2026

Date : 09/02/2026

1/2