



*Crl.MP(MD) No.19243 of 2025 in
Crl.A(MD) No.1315 of 2025*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :06.03.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.19243 of 2025
in Crl.A.(MD)No.1315 of 2025

Velliraja

... Petitioner

Vs.

State of Tamil Nadu,
Rep By Inspector Of Police,
Pettavaithalai Police Station,
Tiruchirappalli District.
Cr. No.19/2024.

... Respondent

Prayer: Petition filed under Section 430(1) of BNSS to suspend the sentence imposed against the petitioner in S.C.No.67 of 2025 dated 23.09.2025 passed by the learned II Additional District and Sessions Judge, Tiruchirappalli and enlarge the petitioner on bail pending disposal of the above appeal.

For Petitioner : Mr.Senthil Kumar A M

For Respondent : Mr.A.S.Abul Kalam Azad
Government Advocate (Crl. Side)



*Crl.MP(MD) No.19243 of 2025 in
Crl.A(MD) No.1315 of 2025*

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ORDER

The petitioner, an accused in S.C.No.67 of 2025, on the file of the learned II Additional District and Sessions Judge, Tiruchirapalli was found guilty by the trial Court and was convicted and sentenced as under:-

Sl.No	Sections	Punishment	Fine amount	Default
1	279 IPC	1 month simple imprisonment	-	-
2	304(2) (3 counts)	10 years Rigorous Imprisonment (for each count)	Rs.1,000/- (for each count)	1 month simple imprisonment

As against the conviction and sentence imposed by the trial Court in S.C.No.67 of 2025, dated 23.09.2025, the petitioner has filed a Criminal Appeal in Crl.A(MD)No.1315 of 2025 and the same was admitted by this Court on 05.12.2025. The petitioner has also moved this application to suspend the sentence imposed on him by the trial Court.

2. The case of the prosecution is that on 29.02.2024, at about 23.00 hours, one Aravinth, who is an auto driver was waiting near his father's tea stall and one Suseela and her son, Saravanan approached and



*Crl.MP(MD) No.19243 of 2025 in
Crl.A(MD) No.1315 of 2025*

engaged the auto rickshaw to drop them at Jeyaram Private Hospital at Pettavaithalai. While so, at about 11 p.m., when they were nearing KRR Kalyana Mahal on Karur - Trichy road, the petitioner drove a lorry in a rash and negligent manner and dashed against the auto rickshaw, due to which, the driver of the auto along with passengers sustained fatal injuries and died on the spot. Hence, the case.

3. The learned counsel appearing for the petitioner submits that the occurrence is an accident. However, the petitioner was held responsible and convicted and sentenced for the offence under Section 304(2) of IPC. The petitioner is in jail for more than 5 months. He further submits that though the vehicle was overloaded, the owner of the vehicle / A2 was acquitted by the trial Court. However, this petitioner was held responsible for the accident.

4. The learned Government Advocate (Crl. Side) appearing for the respondent opposed this petition by stating that this petitioner drove the vehicle with overload and also killed three persons, who travelled in the auto rickshaw. He further submits that the occurrence had taken place on



*Crl.MP(MD) No.19243 of 2025 in
Crl.A(MD) No.1315 of 2025*

the right side of the vehicle. The petitioner went to the right side and caused the accident.

5. This Court considered the rival submissions made and also perused the materials placed on record.

6. The case of the prosecution is that the petitioner has caused the accident due to rash and negligent driving. However, the petitioner was prosecuted for the offence under Section 304 (2) of IPC and convicted and sentence for the said offence. The appeal filed by this petitioner was admitted on the grounds raised thereon. However, the appeal could not be taken up for final hearing immediately. Considering the period of incarceration and the nature of the offence, this Court is inclined to suspend the sentence imposed on the petitioner.

7. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioner is ordered to be enlarged on bail on the following conditions:-



*Crl.MP(MD) No.19243 of 2025 in
Crl.A(MD) No.1315 of 2025*

- i. The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned II Additional District and Sessions Judge, Tiruchirapalli.
- ii. The petitioner shall report before the Inspector of Police, Cantonment Police Station, Tiruchirappalli, daily at 10.30 a.m., till the disposal of the appeal.
- iii. The petitioner shall file an affidavit of undertaking before the respondent police that he will not involve in any offence in future.
- iv. In the event, if the petitioner has violated any of the above conditions, it is open to the respondent police to file an application to cancel the bail granted to him.

06.03.2026

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*Crl.MP(MD) No.19243 of 2025 in
Crl.A(MD) No.1315 of 2025*

To

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- 1.The learned II Additional District
and Sessions Judge,
Tiruchirapalli.
- 2.The Inspector Of Police,
Pettavaithalai Police Station,
Tiruchirappalli District.
- 3.The Inspector of Police,
Cantonment Police Station,
Tiruchirappalli,
- 4.The Superintendent,
Central Prison,
Tiruchirapalli.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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*Crl.MP(MD) No.19243 of 2025 in
Crl.A(MD) No.1315 of 2025*

B.PUGALENDHI, J.,

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Crl.MP(MD) No.19243 of 2025
in
Crl.A(MD) No.1315 of 2025

06.03.2026