

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2015

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Crl.R.C.No.1075 of 2010

K.Senthil Kumar

.. Petitioner/Appellant/
Accused

Vs.

The State Rep. By
Inspector of Police,
Ramanathan Police Station,
Cuddalore District.
(Crime No.45/2008)

.. Respondent/Respondent/
Complainant

PRAYER: Criminal Revision Case is filed under Section 397 r/w 401 of Code of Criminal Procedure, against the order of the learned Additional District and Session Court (Fast Track Court III), Virudhachalam made in C.A.No.25 of 2010 dated 03.08.2010 confirming the order dated 04.03.2010 made in C.C.No.132 of 2008 on the file of the learned District Munsif cum Judicial Magistrate, Tittagudi.

For Petitioner : Mr.S.Saravanakumar

For Respondent : Mr.Arul,
Government Advocate (Crl. Side)

O R D E R

Being aggrieved by the order passed in C.A.No.25 of 2010 dated 03.08.2010 by the learned Additional District and Session Court (Fast Track Court III), Virudhachalam, confirming the order dated 04.03.2010 in C.C.No.132 of 2008 on the file of the learned District Munsif cum Judicial Magistrate, Tittagudi, this revision case is filed.

2. The case of the prosecution is that on 21.03.2008, at about 1.30 p.m. the petitioner/accused was driving the Government Transport Corporation bus and while he was proceeding from Ramanatham Junction to Tholuthur towards East to West, he dashed against one Kozhinji, who was standing on the left side corner of the road near Punnaigai Tea stall, resulting in his death. A case was registered for the offences under Sections 279 and 304(A) IPC against him.

3. The learned District Munsif cum Judicial Magistrate, Tittagudi convicted the petitioner for the offence under Sections 279 and 304(A) IPC in C.C.No.132 of 2008 and sentenced to pay fine of Rs.1,000/- in default, one month simple imprisonment for offence under Section 279 IPC and sentenced to undergo four months simple imprisonment and also pay a fine of Rs.2,000/-, in default, two months simple imprisonment. Challenging the said order, the petitioner/accused preferred an appeal in C.A.No.25 of 2010 before the learned Additional District and Sessions Judge, (FTC No.III), Virudhachalam and the same was dismissed vide judgment dated 03.07.2010. As against which, the petitioner has preferred the present criminal revision case.

4. The learned counsel for the petitioner submits that he is not arguing the case on merits but confined his argument only on the quantum of sentence. The learned counsel for the petitioner would contend that the petitioner is 40 years old and he has to take care of his family and therefore he pleaded for leniency in imposition of sentence.

5. Heard the learned Government Advocate (Crl. Side) appearing for the respondent also.

6. Considering the facts and circumstances, this Court is inclined to reduce the sentence imposed on the petitioner. Accordingly, this Criminal revision case is partly allowed and the sentence imposed on the petitioner is reduced from four months to two months and the petitioner is also directed to pay a sum of Rs.25,000/- as compensation to the victim either by depositing in Court or directly to the victim with due verification of the victim and file a receipt into the Court in time. On deposit, the lower Court will disburse the same to the victim on proper verification and the period already undergone by the petitioner/accused is directed to be set-off.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

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To

1.The Additional District and Sessions Judge,
Fast Track Court No.3 Virudhachalam,
Cuddalore District.

2.The District Munsif-cum-Judicial Magistrate,
Thittakkudi, Cuddalore District

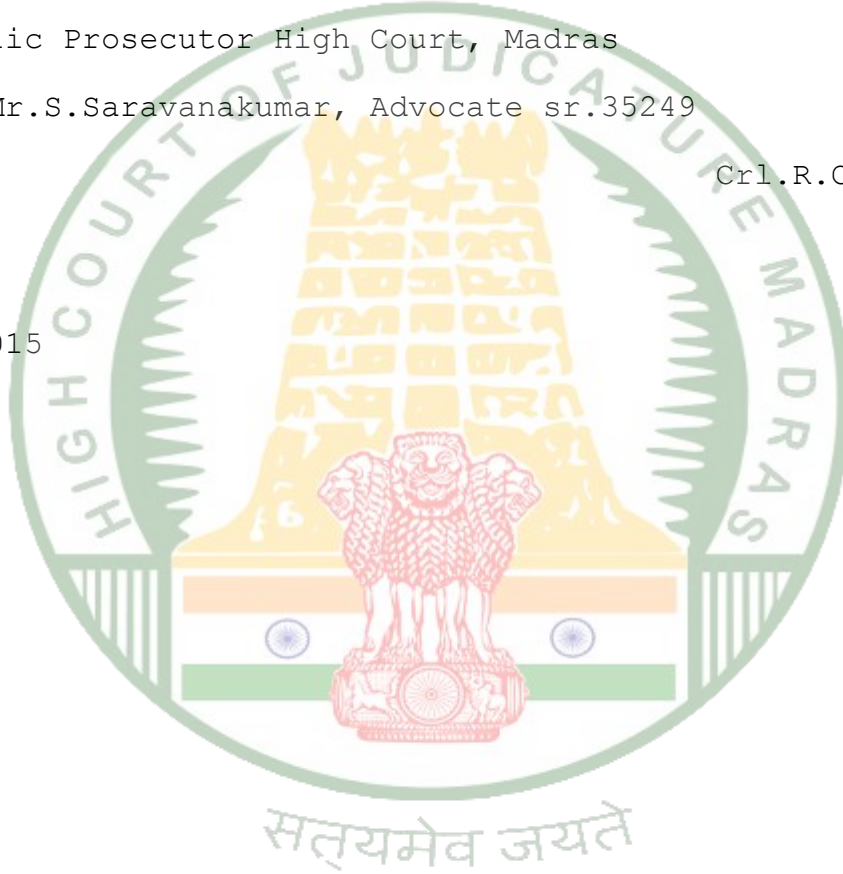
3.The Inspector of Police,
Ramanathan Police Station,
Cuddalore District

4.The Public Prosecutor High Court, Madras

+1 cc to Mr.S.Saravanakumar, Advocate sr.35249

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