

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15 07.2015

Coram

THE HONOURABLE Mr. JUSTICE B. RAJENDRAN

Criminal Revision Case No. 1211 of 2010

Senthil @ Senthilkumar

.. Petitioner/Accused

Versus

State rep. by
The Inspector of Police,
Gobichettipalayam Police Station,
Gobichettipalayam.

(Crime No.668/2006)

.. Respondent/Complainant

Criminal Revision Petition filed under Section 397 and 401 of Cr.P.C. against the order of the learned Additional District and Sessions Judge (Fast Track Court No.II) at Gobichettipalayam in C.A.No.7 of 2010, dated 08.09.2010 confirming the conviction and sentence passed by the learned Judicial Magistrate No.I, Gobichettipalayam in C.C.No.374 of 2006 dated 23.12.2009.

For Petitioner : Mr. S.Kaithamalai Kumaran

For Respondent : Mr. V. Arul (Crl.side)

ORDER

This Criminal Revision has been filed against the order of the learned Additional District and Sessions Judge (Fast Track Court No.II) at Gobichettipalayam in C.A.No.7 of 2010, dated 08.09.2010 confirming the conviction and sentence passed by the learned Judicial Magistrate No.I, Gobichettipalayam in C.C.No.374 of 2006 dated 23.12.2009.

2. The relevant facts leading to the disposal of this Criminal Revision would run thus:

On 10.09.2006 at about 6.00a.m., while the deceased Kaliappan was walking on the Gobi-Sakthi Main Road, an omni van driven by the accused came in a rash and negligent manner and hit against him thereby, he sustained grievous injuries. Though he was immediately taken to the hospital, he died in the hospital. P.W.1, Selvaraj, who was eye witnesses to the occurrence gave complaint and on the basis of the same, a case has been registered against the accused. Based on the oral and documentary evidence let in, the Court below convicted and accused under Section 279 of IPC and to imposed a fine of Rs.1,000/- in default sentenced to undergo simple imprisonment for six weeks and under Section 304(A) IPC to undergo simple imprisonment

for six months and to pay a fine of Rs.2,000/- in default to undergo simple imprisonment for eight weeks and under Section 134 r/w 187 of Motor Vehicles Act, to pay a fine of Rs.500/- in default to undergo four weeks simple imprisonment. Aggrieved against the said order, the accused preferred an appeal before the Additional District and Sessions Judge, Gobichettipalayam. Learned Appellate Court, while confirming the order passed by the court below dismissed the appeal preferred by the accused. Against which, this Criminal Revision has been preferred by the accused.

3. Mr.S.Kaithamalai Kumaran, learned counsel appearing for the revision petitioner would contend that the petitioner was aged about 30 years at the time of occurrence and he is the sole bread winner of the family. It is also contended that the accused pleaded repentance and he is prepared to pay some amount as compensation for his act.

4. Learned Government Advocate (Crl.side) would submit that the accused has not involved in any other case and he has also left his driving job thereafter and presently, he is working in a grocery shop. He would also submit that the accused had already paid the fine amount as ordered by the Court below.

5. Heard the submissions made on either side and perused the available records.

6. Having regard to the submission made by the learned counsel for the petitioner, and considering the fact that the petitioner is the sole bread winner of the family and also taking into account the fact that he is prepared to pay some amount as compensation to the family members of the victim, I am inclined to modify the order passed by the court below. Accordingly, the petitioner/accused is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) to the credit of C.C.No.374 of 2006 before the learned Judicial Magistrate-1, Gobichettipalayam, within a period of four weeks, from the date of receipt of copy of this order.

7. On such deposit being made, the Court below is directed to issue notice to the concerned parties and on due identification, the amount deposited shall be disbursed to the family members of the victim. Failure to comply with any one of the directions, the order passed by the court below shall hold good.

8. With the above observation, this Criminal Revision Petition is partly allowed.

Sd/-
Assistant Registrar

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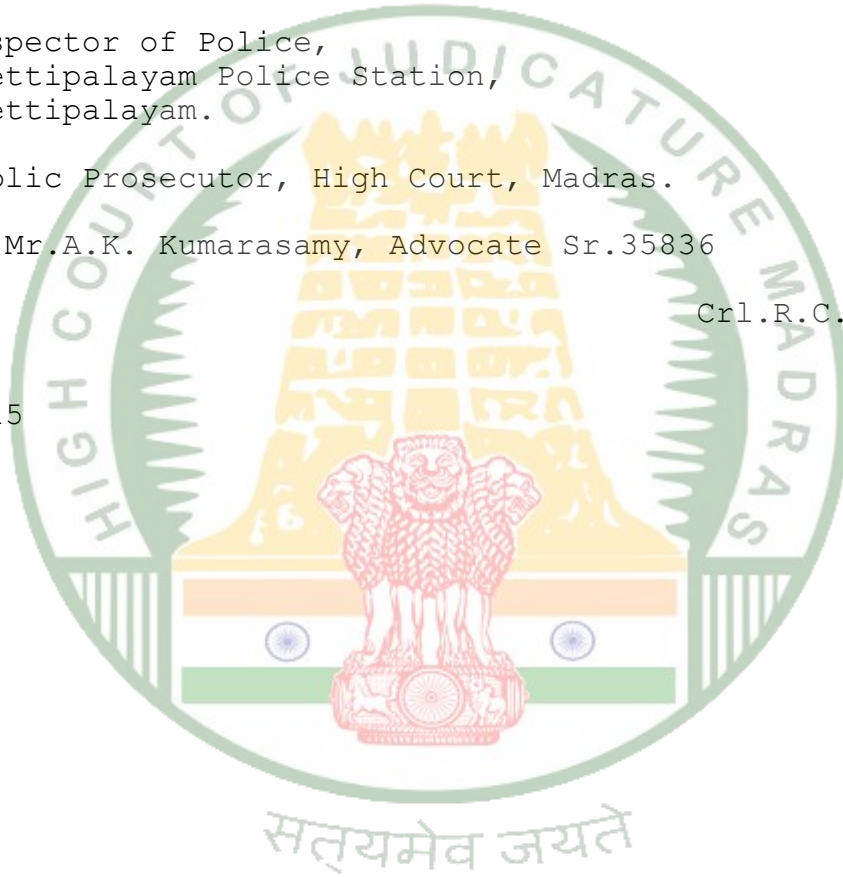
Sub Assistant Registrar

To,

1. The Additional District and Sessions Judge
(Fast Track Court No.II), Gobichettipalayam
 2. The Judicial Magistrate No.I,
Gobichettipalayam.
 3. -do- Through The Chief Judicial Magistrate,
Erode.
 4. The Inspector of Police,
Gobichettipalayam Police Station,
Gobichettipalayam.
 5. The Public Prosecutor, High Court, Madras.
- + 1 cc to Mr.A.K. Kumarasamy, Advocate Sr.35836

Crl.R.C.No. 1211 of 2010

SKN(CO)
Eu 04.08.15



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