

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE B. RAJENDRAN

CRL. RC. No.1286 of 2010
& M.P.No.1 of 2010

V.Raghu

.. Petitioner/Accused

Versus

State rep. by
Inspector of Police,
Tiruvannamalai Taluk Police Station,
Tiruvannamalai.
(Crime No.391 of 2006)

... Respondent

Petition filed under Sections 397 read with 401 of the Criminal Procedure Code, against the judgment and conviction passed by the learned Sessions Judge, Tiruvannamalai in C.A.No.9 of 2009 on 08.10.2010 confirming the order dated 09.08.2009 passed by the learned Judicial Magistrate-II, Tiruvannamalai in STC.No.272 of 2007.

For Petitioner : Mr.L.Mahendran

For Respondent : Mr.V.Arul,G.A.

ORDER

The revision has been preferred by the petitioner who is an accused before the court below.

2. The revision has been filed by the petitioner/accused against the judgment and conviction passed by the learned Sessions Judge, Tiruvannamalai in C.A.No.9 of 2009 on 08.10.2010 confirming the order dated 09.08.2009 passed by the learned Judicial Magistrate-II, Tiruvannamalai in S.T.C.No.272 of 2007.

3. The case of the prosecution is that the accused who is the driver in the Tamil Nadu Government Transportation Corporation bus and on 26.06.2006 while he was driving on the Tiruvannamalai-Vellore Trunk Road, he drove in a rash and negligent manner and dashed against the TVS 50 vehicle. On account of which, the rider as well as the billion rider sustained grievous injuries and hence, charges under Sections 279 & 338(2 counts) of IPC have been framed against

the accused. After considering the oral and documentary evidences, the Court below had convicted the accused under Sections 279 of IPC and sentenced to pay a fine of Rs.200/- in default to undergo one months simple imprisonment for one month and under Section 338(2 counts) of IPC sentenced to pay a fine of Rs.750/- each in default to undergo simple imprisonment for one month. Aggrieved against the order of conviction, the accused preferred an appeal in Crl.A. No.9 of 2009 before the learned Sessions Judge, Tiruvannamalai and the same was dismissed by confirming the judgment of the trial Court. Aggrieved by the order passed by the Appellate Court, the petitioner has filed the present Criminal Revision Case.

4. After some elaborate arguments learned counsel appearing for the petitioner/accused would confine his argument only on the question of sentence imposed on the petitioner by the courts below. According to the learned counsel for the petitioner, the petitioner is a Government servant and he is aged about 50 years now and he had already undergone punishment by facing the trial for quite sometime and hence, seeks the indulgence of this Court to show some leniency to the petitioner. It is further submitted that the petitioner is prepared to pay the fine amount and to pay some amount towards compensation.

5. Learned Government Advocate (Crl.side) would contend that unless stringent actions are taken against the accused persons these type of accidents cannot be curtailed which are gradually increasing day-by-day and therefore, prays for an appropriate order from this Court.

6. I have perused the materials available on record.

7. No doubt, the trial court convicted the petitioner/accused for the offences punishable under Section 279 of IPC and sentenced to pay a fine of Rs.200/- in default to undergo one months simple imprisonment for one month and under Section 338(2 counts) of IPC sentenced to pay a fine of Rs.750/- each in default to undergo simple imprisonment for one month, however, taking into consideration the submission made by the learned counsel for the petitioner though there is discrepancies and the fact that he has argued only on the question of sentence, I am of the view that instead of sending the petitioner to jail, in the interest of justice, he may be directed to pay some amount as compensation to the victim.

8. Accordingly, while confirming the conviction imposed by the Courts below, the sentenced imposed on the petitioner is modified to pay a fine of Rs.500/- for each count and he is also directed to pay compensation to the tune of Rs.10,000/- (Rupees Ten Thousand only) for each count to the victim. The petitioner is directed to pay the amount of Rs.10,000/- for each count to the victim within a period of four weeks, from the date of receipt of a copy of this order as compensation. It is made clear that if the petitioner fails to pay

the said amount/or deposit in Court within the above stipulated period, he shall undergo the period of sentence as imposed by the Courts below and this order will not enure to the benefit of the accused. On such deposit being made the amount of compensation shall be disbursed to the victim on proper verification and identification.

With the above direction and modification, this Criminal Revision Case is partly allowed. Consequently, connected miscellaneous petitions are closed.

smi

s/d-

Assistant Registrar (CS-IV)

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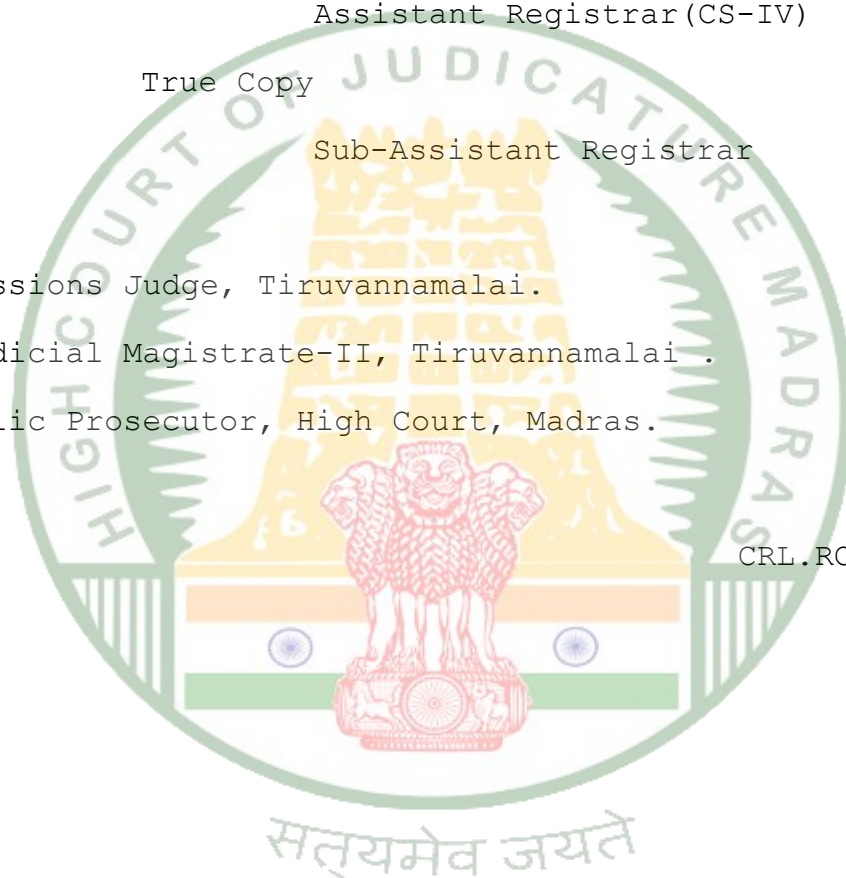
Sub-Assistant Registrar

To

1. The Sessions Judge, Tiruvannamalai.
2. The Judicial Magistrate-II, Tiruvannamalai .
3. The Public Prosecutor, High Court, Madras.

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CRL.RC.No.1286 of 2010



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