



Bail Slip

The Revision Petitioner / Accused namely N.Kaliappan, S/o. Manickam, was directed to be released on bail as per order of this court dated 17.07.2012 and made in CrI.M.P.No.2 of 2010 in CrI.R.C. No. 68 of 2010 on the file of this Court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Criminal Revision Case No. 68 of 2010

M. Kaliappan

...Petitioner/Accused

Versus

State by the Inspector of Police
Erode Taluk Police Station
Erode District

...Respondent/Complainant

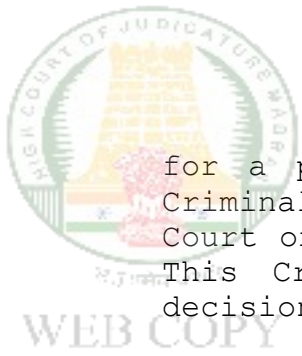
Criminal Revision Case filed under Section 397 and 401 of the Code of Criminal Procedure against the Judgment dated 08.08.2009 made in Criminal Appeal No. 28 of 2009 on the file of Additional District Court/Fast Track Court No.1, Erode, confirming the judgment dated 20.10.2008 made in C.C. No. 926 of 2006 on the file of Judicial Magistrate No.1, Erode.

For Petitioner : Mr. N. Manokaran

For Respondent : Mr. V. Arul
Government Advocate (CrI.side)

ORDER

The petitioner is the sole accused in C.C. No. 926 of 2006 on the file of the learned Judicial Magistrate No.1, Erode. He stood charged for the offence punishable under Section 279 and 304-A of IPC and after trial, he was convicted for both the offences. For the offence under Section 279 of IPC, the petitioner was sentenced to pay a fine of Rs.700/- failing which to undergo simple imprisonment for a period of one month. For the offence under Section 304-A of IPC, he was sentenced to undergo simple imprisonment for a period of six months with fine of Rs.4,000/- failing which to undergo simple imprisonment



for a period of one month. The appeal filed thereagainst in Criminal Appeal No. 28 of 2009 was dismissed by the Appellate Court on 08.08.2009 confirming the judgment of the trial Court. This Criminal Revision Case is filed against the aforesaid decisions of the Courts below.

2. The case of the prosecution is that on 20.08.2005 at about 08.25 pm, the deceased Rajeshkumar was riding his two wheeler - Yamaha Libra bearing Registration No. TN 33 AE 3876 on the left side of the road near Hindustan Punjabi Hotel near Erode to Karur Road. At that time, the petitioner had driven the lorry bearing Registration No. TN 28 Y 2499 in a rash and negligent manner, dashed against the deceased and caused his instantaneous death. In connection with this incident, the case in Crime No. 477 of 2006 came to be registered against the petitioner for the offences punishable under Sections 279 and 304-A of IPC.

3. The learned counsel appearing for the revision petitioner confined his argument only with respect to reduction of sentence and not on merits. The learned counsel for the petitioner would submit that the petitioner is the sole bread winner in his family. It is further submitted that the petitioner is repenting for the mistake. It is also submitted that the petitioner is prepared to pay some amount to the family of the deceased instead of undergoing sentence. It is further submitted that the petitioner was 40 years at the time of accident and presently he is 50 years and eking his livelihood by working as a Driver and is suffering from various ailments associated with his profession and age. Therefore, the learned counsel for the petitioner prayed to show leniency to the petitioner in the matter of imposition of sentence.

4. The learned Government Advocate (Crl.side) opposed the Criminal Revision Case and contended that the charges levelled against the petitioner has been proved by adducing oral and documentary evidence before the courts below. The courts below also imposed a very meager sentence and it does not warrants interference by this Court.

5. Having regard to the above submission of the counsel for the both sides and the facts and circumstance of the case, this Court is of the view the sentence imposed on the petitioner can be modified. Accordingly, while upholding the conviction imposed on the petitioner for the offence punishable under Sections 279 and 304-A of IPC, the sentence alone is modified in from six months to three months. The petitioner is further directed to pay Rs.40,000/- (Rupees Forty Thousand Only) as compensation to the credit of C.C. No. 926 of 2006 on



the file of Judicial Magistrate No.1, Erode, within a period of four weeks from the date of receipt of a copy of this order. If the amount of Rs.40,000/- is deposited by the petitioner, as directed, the trial Court shall permit the family members of the deceased Rajeshkumar to withdraw the same on proper identification. In default to pay the sum of Rs.40,000/- by the petitioner, the sentence imposed on him by the courts below shall stand restored. In such event, the trial court shall take steps as are necessary to secure the presence of the petitioner to undergo the remaining period of sentence.

6. The Criminal Revision Case is partly allowed to the extent indicated above.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

1. The Additional District Judge
(Fast Track Court No.I),
Erode
 2. -Do- Through The Chief Judicial Magistrate,
Erode.
 3. The Judicial Magistrate No.1
Erode.
 4. The Inspector of Police,
Erode Taluk Police Station,
Erode.
 5. The Public Prosecutor,
High Court, Madras - 104.
 6. The Section Officer,
Criminal Section,
High Court, Madras - 104.
- 1 CC to Mr. N. Manokaran, Advocate SR.No. 49162
CrI.R.C. No. 68 of 2010
- MSM (CO)
PSI (26.10.2015)