

Bail Slip

The Petitioner/Accused Viz., No. Saravanakumar, S/o. Natarajan, in Crl.R.C.NO.944 of 2008 directed to be released on bail in and by the order of this court dated 22.07.2008 made in M.P.NO.1 of 2008 in Crl.R.C.NO.944 of 2008.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.6.2015

CORAM:

THE HONOURABLE MR.JUSTICE B. RAJENDRAN

CRL. RC. No. 944 of 2008

N.Saravanakumar ... Petitioner

Versus

The State rep. by the
Inspector of Police
Pollachi East Police Station
Pollachi, Coimbatore
(crime No.603/2006)

.. Respondent

Petition filed under Sections 397 read with 401 of the Criminal Procedure Code, against the Judgment dated 13.6.2008 passed in Crl.A. No. 17 of 2008 on the file of the Additional District and Sessions Judge (FTC-I) Coimbatore confirming the judgment dated 19.12.2007 passed in C.C. No. 473 of 2006 on the file of the learned Judicial Magistrate No.1, Pollachi.

For Petitioner : Mr. T.Munirathnam Naidu

For Respondent : Mr. T.Arul
Government Advocate (Crl.side)

ORDER

On the basis of the complaint given by the defacto complainant, namely, Navaneethasamy, a case in Crime No. 603 of 2006 was filed against the accused, the petitioner herein for the offences punishable under Sections 279 and 304 (A) of IPC read with Section 196 of the Motor Vehicles Act. After investigation, final report has been filed and the same was taken cognizance in C.C.No.473 of 2006 on the file of the Judicial Magistrate No.1, Pollachi. After trial, the trial court convicted the accused for the offences punishable under Sections 279 and 304 (A) and sentenced him to undergo six months rigorous imprisonment. Against which, the accused has filed Crl.A. No. 17 of 2008 before the learned Additional District and Sessions Judge (FTC-I), Coimbatore and the same was dismissed. Aggrieved by the order passed by the first appellate Court, the petitioner/accused has filed the present Criminal Revision Case.

2. The case of the prosecution is that on 09.9.2006 at about 10.00 hours, when the deceased Chellamuthu was riding his bike along with P.W.1 and others, near Metro Bakery, the bike bearing Registration No.41 F 7906, which was driven in a rash and negligent manner, came in the opposite direction and hit the bike, which was driven by Chellamuthu. Thereafter the deceased was taken to Ramakrishna Government Hospital for treatment, where he died. In this context, the defacto complainant had given a complaint based on which the accused was proceeded with for the offences as mentioned above.

3. The learned counsel appearing for the petitioner did not argue on merits but confined his argument only on the question of sentence imposed on the petitioner by the courts below. The learned counsel for the petitioner submits that the accident had occurred only due to the negligent act of the deceased, who driven the vehicle in a wrong side. However, the learned counsel submits that he is not pressing the case on merits and he is only questioning the sentence imposed on the petitioner.

4. It is the submission of the learned counsel for the petitioner that the petitioner was aged about 26 years at the time of occurrence and he is the sole bread winner of the family and he has to maintain his aged parents. It is also the submission of the learned counsel that the petitioner also undergone sentence for a period of two weeks. It is submitted that the petitioner is repenting his misdeeds and is also willing to pay some compensation to the the family members of the deceased and, therefore, the learned counsel for the petitioner prayed for showing leniency in reduction of sentence.

5. Learned Government Advocate submitted that due to rash and negligent driving of the bike by the accused, the accident had occurred. The learned Government Advocate further submitted that nowadays, death are increasing due to these type of accident and, therefore, the Courts below have rightly convicted the petitioner. It is the submission of the learned Government Advocate that leniency has already been shown by the Courts below by imposing minimum punishment on the accused. Therefore, the learned Government Advocate prays for dismissal of the revision.

6. I have heard the submission made by the learned counsel for the petitioner, learned Government Advocate appearing for the respondent State and perused the materials on record.

7. The trial court convicted the petitioner/accused for the offences punishable under Sections 279, 304 (A) and sentenced to undergo six months Simple imprisonment, out of which the petitioner had already undergone sentence for a period of two weeks. The petitioner submits that he is willing to pay some compensation to the family of the deceased. Mere compensation will not compensate the death of the person.

8. However, taking into consideration the submission of the counsel for the petitioner, the fact that the petitioner is the sole bread winner of the family and that he had undergone sentence for a period of nearly 16 days so far and that he agreed to pay some

amount towards compensation, I am of the view that some leniency can be shown to the petitioner in reducing the sentence.

9. Accordingly, while confirming the conviction imposed by the Courts below, the sentence is reduced to the period of four months. It is further directed that the petitioner shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) towards compensation to the credit of C.C.No.473 of 2006 on the file of the learned Judicial Magistrate No.1, Pollachi, within a period of eight weeks from the date of receipt of a copy of this order. On such deposit being made, the trial Court shall hand over the said amount to the family of the deceased, on proper identification. It is also made clear that if the petitioner fails to pay the compensation amount within the time stipulated by this Court, he shall undergo the remaining period of sentence as ordered by the Courts below.

With the above modification in sentence, the Criminal Revision Case is partly allowed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Additional District and Sessions Judge (FTC-I), Coimbatore.
2. The learned Judicial Magistrate No.1, Pollachi.
3. The Chief Judicial Magistrate, Coimbatore.
4. The Inspector of Police East Police Station, Pollachi, Coimbatore.
5. The Public Prosecutor, High Court, Madras.
6. The Superintendent Central Prison, Coimbatore.

CRL.RC.No. 944 of 2008

GP(CO)
Eu 06/07/2015

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