

BAIL SLIP

The Petitioner/Accused viz Varadarajan was directed to be released on bail as per order of this Court in MP.No.1 of 2010 in CrI.RC.NO.523/2010, dated 20.05.2010.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2016

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

CrI.R.C.No.523 of 2010

Varadarajan
S/o.Balaraman

... Petitioner

vs.

State represented by
Inspector of Police,
Cheyyar Police Station,
Cheyyar,
Thiruvannamalai District.
Crime No.1151 of 2005

... Respondent

Criminal Revision filed under Sections 397 and 401 Cr.P.C. against the judgment of learned Sessions Judge, Thiruvannamalai, passed in C.A.No.37 of 2005 on 18.02.2010 confirming the judgment of learned Judicial Magistrate II, Cheyyar, passed in C.C.No.104 of 2004 on 18.07.2005.

For Petitioner : Mr.P.Kumaresan for Ms.L.Poompavai

For Respondent : Mr.C.Iyyapparaj

Government Advocate [CrI.side]

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ORDER

This revision arises against two concurrent judgments of Courts below convicting the petitioner for offences u/s.279 and 304-A IPC and sentencing him to 6 months S.I. and fine of Rs.500/- i/d 1 month S.I. for offence u/s.279 IPC and 1 year S.I. and fine of Rs.2,000/- i/d. 1 month S.I. for offence u/s.304-A IPC.

2. The case of the prosecution is that on 08.07.2004 at about 11.50 a.m., while the deceased was proceeding on his bicycle at Cheyyar

Main Road, the accused rashly had driven the bus bearing registration No.TN-20-S-0999 and dashed the bicycle from behind, owing to which the deceased met his instantaneous death. A case was registered in Crime No.1151 of 2005 on the file of respondent. Upon completion of investigation and filing of charge sheet informing commission of offences u/s.279 and 304-A IPC, the case was tried in C.C.No.104 of 2004 on the file of learned Judicial Magistrate II, Cheyyar.

3. Before the trial Court, the prosecution examined eleven witnesses and marked seven exhibits. None were examined on behalf of the defence nor were any exhibits marked. On appreciation of materials before it, the trial Court, under judgment dated 18.07.2005, convicted the petitioner and sentenced him to 6 months S.I. and fine of Rs.500/- i/d 1 month S.I. for offence u/s.279 IPC and 1 year S.I. and fine of Rs.2,000/- i/d. 1 month S.I. for offence u/s.304-A IPC. There against, petitioner preferred C.A.No.37 of 2005 on the file of learned Sessions Judge, Thiruvannamalai, which came to be dismissed under judgment dated 18.02.2010. Hence, this revision

4. Heard learned counsel for petitioner and learned Government Advocate [Cr1.side].

5. Learned counsel for petitioner raises before this Court two contentions both of which call for ready acceptance. The first contention is that excepting the investigating officer none of the other witnesses including PWs.2 and 3, alleged eye witnesses, have identified the petitioner as the driver of the offending vehicle. The second contention is that though the deceased is said to have been riding a bicycle which was hit by the bus driven by the petitioner as a result of which the deceased fell down and was run over by the rear wheel of the bus, no bicycle was recovered. Therefore, the very manner in which the accident is said to have taken place is doubtful. For the aforesaid reasons, this Court is inclined to interfere with the finding of Courts below.

This Criminal Revision shall stand allowed. The judgment of learned Sessions Judge, Thiruvannamalai, passed in C.A.No.37 of 2005 on 18.02.2010 confirming the judgment of learned Judicial Magistrate II, Cheyyar, passed in C.C.No.104 of 2004 on 18.07.2005, shall stand set aside. Petitioner is acquitted of all charges. Fine, if any, paid by petitioner shall be refunded. Bail bonds, if any, executed by him shall stand cancelled.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

gm

To

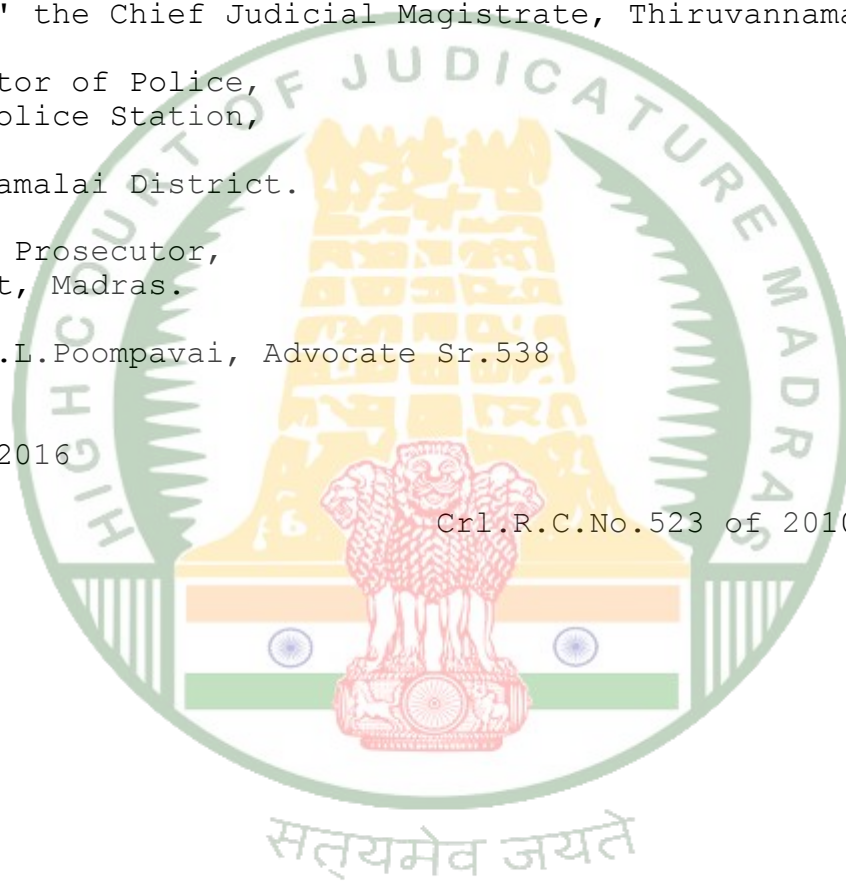
- 1.The Sessions Judge,
Thiruvannamalai.
- 2.The Judicial Magistrate II,
Cheyyar.
3. -do- thro' the Chief Judicial Magistrate, Thiruvannamalai.
- 4.The Inspector of Police,
Cheyyar Police Station,
Cheyyar,
Thiruvannamalai District.
- 5.The Public Prosecutor,
High Court, Madras.

+1 CC to M/S.L.Poompavai, Advocate Sr.538

CO-RSK

ths : 03.02.2016

Cr1.R.C.No.523 of 2010



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