

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2017

CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM

Crl.R.C.Nos.12 and 175 of 2011

Arumugam
S/o.Karupanna Mudaliar ... Petitioner in Crl.R.C.No.12/2011

Chengodan
S/o.Palani Gounder ... Petitioner in Crl.R.C.No.175/2011

VS

State represented by
The Inspector of Police,
Thiruchengode Town Police Station,
Namakkal District.
Crime No.777 of 2004 ... Respondent in both revisions

Criminal Revisions filed under section 397 r/w 401 of the Code of Criminal Procedure, against judgments of learned Additional District and Sessions Judge, Namakkal, passed in C.A.Nos.108 and 109 of 2009 on 29.11.2010 confirming the finding of judgment of learned Judicial Magistrate, Thiruchengode, passed in C.C.No.160 of 2005 on 23.11.2009.

For Petitioners : Mr.K.V.Sridharan

For Respondent : Mr.V.Arul
Additional Public Prosecutor

COMMON ORDER

These revisions arise against two concurrent judgments of Courts below convicting petitioners for offences u/s.337 and 304-A IPC and sentencing each of them to pay fine in a sum of Rs.1,000/- i/d 1 month S.I. for offence u/s.337 IPC and 6 months S.I. and fine of Rs.1,000/- i/d 1 month S.I. for offence u/s.304-A IPC.

2. Prosecution case is that on 30.10.2004 at about 11.00 a.m., petitioners/accused 1 and 2, who were employed as Line Inspectors with TNEB had two persons carry out electrical work without affording them safety materials and while they were carrying out work, third accused, who was employed in a nearby power loom, switched on the generator resulting in a reverse power flow causing death of one and injuries to another. A case in Crime No.777 of 2004 on the file of respondent was registered for offences u/s.337 and 304-A IPC. Upon completion of investigation and filing of charge sheet, the case was tried in C.C.No.160 of 2005 on the file of learned Judicial Magistrate, Thiruchengode.

3. Before trial Court, prosecution examined 18 witnesses and marked 8 exhibits. None were examined on behalf of defence nor were any exhibits

marked. On appreciation of materials before it, trial Court, under judgment dated 23.11.2009, convicted petitioners/accused 1 and 2 for offences u/s.337 and 304-A IPC and sentenced each of them to pay fine in a sum of Rs.1,000/- i/d 1 month S.I. for offence u/s.337 IPC and 6 months S.I. and fine of Rs.1,000/- i/d 1 month S.I. for offence u/s.304-A IPC. There against, petitioners preferred C.A.Nos.108 and 109 of 2009 on the file of learned Additional District and Sessions Judge, Namakkal, which came to be dismissed under judgments dated 29.11.2010. Hence, these revisions.

4. Heard learned counsel for petitioners and learned Additional Public Prosecutor.

5. Revision petitioners were employed as Line Inspectors at Mangkutapalayam Electrical Board. They were arrayed as accused 1 and 2 while the employee of a power loom was arrayed as third accused. Third accused has been acquitted by trial Court. The admitted prosecution case is that electrical repair work was underway and owing thereto, the transformer had been switched off for a period of two days. The accident in which one person met his death and PW-1 suffered injuries took place owing to the generator in a power loom factory being switched on resulting in a reverse flow of current through electricity board lines. Appellants stand convicted on the

reasoning that they had not taken care to ensure the fixing of an 'earth' rod and the deceased and PW-1 not having been required to wear rubber gloves at the time of occurrence. PW-1, the injured witness, has deposed to these petitioners having ensured that the transformer regulating control of electrical supply to the area had been switched off. When admittedly the accident took place owing to a reverse flow of current from the generator in an adjacent power loom, in propriety, the person in charge thereof ought to have been arrayed as an accused. The accusation against appellants totally is unfounded.

These Criminal Revisions shall stand allowed. The judgments of learned Additional District and Sessions Judge, Namakkal, passed in C.A.Nos.108 and 109 of 2009 on 29.11.2010 confirming the finding of judgment of learned Judicial Magistrate, Thiruchengode, passed in C.C.No.160 of 2005 on 23.11.2009, shall stand set aside. Petitioners are acquitted of all charges. Fine, if any, paid shall be refunded. Bail bonds, if any, executed shall stand cancelled.

WEB COPY

28.08.2017

Index:yes/no

Internet:yes/no

gm

To

- 1.The Additional District and Sessions Judge,
Namakkal.
- 2.The Judicial Magistrate,
Thiruchengode.
- 3.The Inspector of Police,
Thiruchengode Town Police Station,
Namakkal District.
- 4.The Public Prosecutor,
High Court, Madras.



WEB COPY

C.T.SELVAM, J

gm



Crl.R.C.Nos.12 and 175 of 2011

WEB COPY

28.08.2017