

Bail Slip

The Petitioner in Crl.RC.No.179 of 2011, namely S. Sathish (Appellant in Crl.A.No.72 of 2007 on the file of the Principal Sessions Judge, Namakkal, dated 16.11.2010 was released on bail vide order of this Court, dated 9.9.2011 made in MP.1 of 2011 in Crl.RC.No.179 of 2011.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2017

CORAM:

THE HONOURABLE MR. JUSTICE C.T.SELVAM

Criminal Revision Case No.179 of 2011

S.Sathish

..Petitioner/Accused

/vs/

The State rep. By
Inspector of Police,
Pallipalayam Police Station,
Namakkal District
(Crime No.325 of 2006)

..Respondent/Complainant

Prayer: Criminal Revision Case is filed under Section 397 read with 401 of Cr.P.C against the Judgment of the Principal Sessions Judge, Namakkal in Crl.A.No.72 of 2009 dated 16.11.2010 confirming the Judgment of the Judicial Magistrate, Tiruchengode made in C.C.No.301 of 2009 dated 01.09.2009 praying to set aside the same.

For Petitioner :: Mr.C.Kulanthaivel

For Respondent :: Mr. V.Arul,
Addl. Public Prosecutor

O R D E R

This revision arises against two concurrent judgments of Courts below convicting petitioner for offences under Sections 279 and 304(A) IPC and sentencing him to 6 months S.I. and fine of Rs.1,000/- i/d 1 week S.I. for offence u/s.304-A IPC.

2. The facts of the case are as follows:

On 23.03.2006 at about 19.30 hours, petitioner, who was the driver of the bus bearing Registration No.TN.34D-3241, drove the same in a rash and negligent manner and hit a person, who was riding a TVS Moped bearing Registration No.TN-28K-9255, resulting in his death. A case was registered in Crime No.325 of 2006 on the file of respondent. Upon completion of investigation and filing of charge sheet, the case was tried in C.C.No.301 of 2006 on the file of learned Judicial Magistrate, Tiruchengode.

3. Before trial Court, prosecution examined 11 witnesses and 8 exhibits were marked. None were examined on behalf of defence. Trial Court, under judgment dated 01.09.2009, convicted petitioner for offences under Sections 279 and 304(A) IPC and sentenced him to 6 months S.I. and fine of Rs.1,000/- i/d 1 week S.I. for offence u/s.304-A IPC. Aggrieved thereby, petitioner has preferred Criminal Appeal in C.A.No.72 of 2009 on the file of learned Principal Sessions Judge, Namakkal and the same was dismissed under judgment dated 16.11.2010. Hence, this revision.

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

5. It is admitted by PW1, who has spoken to being an eye witness to the occurrence that deceased met with accident in his attempt to overtake the bus and thus came into contact with bus driven by this petitioner from the opposite direction. It is the further evidence of PW1 that both deceased and his vehicle i.e.TVS Moped went totally under the bus driven by petitioner. The position suggests petitioner/bus driver had no time to react towards avoiding the accident. In the circumstances, the reason afforded by Courts below that if petitioner had shown some caution and care, the accident could have been avoided is unjustified. The benefit of doubt ought to have been given to the petitioner.

6. This Criminal Revision Petition shall stand allowed. The judgments of Courts below shall stand set aside. Petitioner is acquitted of all charges. Fine, if any, paid shall be refunded. Bail bonds, if any, executed shall stand cancelled.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Sessions Judge, Namakkal.
 2. The Judicial Magistrate, Thiruchengode.
 3. The Chief Judicial Magistrate, Namakkal.
 4. The Public Prosecutor, High Court, Madras.
 5. The Inspector of Police,
Pallipalayam Police Station, Namakkal District.
- + 1 cc to MR. C. Kulanthaivel, Advocate SR.66209

Criminal Revision Case No.179 of 2011

GJ(CO)
EU(19/12/2017)



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