

Bail Slip

The Accused, namedly S. RAMAMOORTHY, S/O. SENNA KRISHANAN, was released on bail vide order dated 09.02.2011 made in CrI. MP. NO.1/11 in CrI R.C. NO.196/11

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.09.2017

Coram:

The Hon'ble Mr. Justice C.T. Selvam

CrI.R.C.No. 196 of 2011

S. Ramamoorthy

...Petitioner/Accused

Versus

State by:

The Inspector of Police,
Bargur Police Station, Bargur,
Krishnagiri District.

...Respondent/Complainant

This Criminal Revision Petition filed under Section 397 & 401 of Cr.P.C calling for the records and set-aside the judgment of conviction dated 01.12.2010 made in C.A.No.47/2008 on the file of Learned Additional Sessions Judge, Krishnagiri, which confirmed the conviction and sentence imposed in a judgment dated 28.05.2008 made in C.C.No.206/2007 on the file of Learned Judicial Magistrate, Krishnagiri and acquit the petitioner.

For Petitioner : Mr.P.M.Duraiswamy

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

O R D E R

This revision arises against the concurrent judgments of Courts below convicting petitioner for the offences u/s.279 and 304(A) IPC and sentencing him to 2 months R.I for offence u/s.279 IPC and 6 months R.I for offence u/s. 304(A) IPC.

2. The case of prosecution is that on 14.04.2007, at about 08:30 a.m., when the deceased Majiammal was walking near Kothalakuttai branch road in Mathur to Bargur road, keeping to the left side of the road, a tractor with trailer bearing registration No. T.N.29.U.1578, driven by the accused came at a

high speed in a rash and negligent manner, behind the deceased and hit her; as a result of which she died instantaneously due to multiple bodily injuries sustained in the accident. A case in Crime No.224/2007 on the file of the Inspector of Police, Bargur Police Station, Bargur/respondent was registered. Upon completion of investigation and filing of charge sheet, the case was tried in C.C.No.206/2007 on the file of the learned Judicial Magistrate, Krishnagiri.

3. Before trial Court, prosecution examined 15 witnesses and marked 7 exhibits. No material objects were marked. On the defence side, no witnesses were examined and no exhibits were marked.

4. On appreciation of materials before it, trial Court, under judgment dated 28.05.2008, convicted the accused and sentenced him to undergo R.I for 2 months for offence u/s.279 IPC and R.I for 6 months for offence u/s.304(A) IPC. There against, petitioner/accused preferred C.A.No.47/2008 before learned Additional Sessions Judge, Krishnagiri which was dismissed under judgment dated 01.12.2010. Against such finding, the present revision has been filed.

5. Heard Mr.P.M. Duraiswamy, learned counsel for petitioner and Mr. V. Arul, learned Additional Public Prosecutor for respondent.

6. Petitioner faced trial for offences under Sections 279 & 304(A) IPC in case in C.C.No.206/2007 on the file of Judicial Magistrate, Krishnagiri. The prosecution case is that on 14.04.2007 at about 08:30 hours, the accused drove tractor bearing registration No.T.N.29.U.1578 on the Bargur to Mathur Road in a rash and negligent manner resulting in an accident wherein one Majiammal aged 70 years was hit from behind, causing her death.

7. Learned counsel for petitioner submitted that according to the prosecution, P.W.1 to 4 were eyewitnesses. P.W.1, daughter of the deceased, was the de-facto complainant and preferred Ex.P.1 Complaint. She had informed that the deceased was crossing the road after having handed over her clothes at a Tailor shop, was proceeding side of the road and in the direction towards Bargur road. Ex.P.6 indicated that the tractor driven by the petitioner was proceeding south on the Bargur-Mathur road. Therefore, according to Ex.P.1 Complaint, the deceased would have been facing the tractor when the accident took place. The prosecution case was that of the deceased having been hit from behind. To such effect is the evidence of P.W.1 in chief. In cross examination, against the claim of having witnessed the occurrence, from a bus stop, she

has admitted to not having so informed the Police. P.W.4's evidence is in keeping with topo sketch, Ex.P.6 regarding the manner in which the deceased suffered injury while returning from Tailor Shop and having been face to face with the vehicle driven by the petitioner. P.W.7, Investigating Officer has deposed that P.W.4's evidence was erroneous. P.W.2 has admitted to being at the scene after the occurrence. P.W.3 has admitted to not witnessing the accident. Learned Counsel submitted that there was absolutely no enquiry about the manner in which the accident took place and the benefit of doubt ought to have been given to petitioner. This Court finds totally acceptable the submissions of learned counsel for petitioner.

8. In the result, this Criminal Revision shall stand allowed. The judgment of conviction dated 01.12.2010 made in C.A.No.47/2008 on the file of Learned Additional Sessions Judge, Krishnagiri shall stand set aside. Petitioner is acquitted of all charges. Fine, if any, paid shall be refunded. Bail bond, if any, executed shall stand cancelled.

Sd/-
Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

mrr

To

1 THE ADDITIONAL SESSIONS JUDGE, KRISHNAGIRI.

2 THRO, THE DISTRICT SESSIONS JUDGE,
KRISHNAGIRI

3 THE JUDICIAL MAGISTRATE,
NO.I KRISHNAGIRI.

4 THRO, THE CHIEF JUDICIAL MAGISTRATE,
DHRMAPURI AT KRISHNAGIRI.

5 THE INSPECTOR OF POLICE
BARGUR POLICE STATION
KRISHANGIRI DISTRICT

6 THE OFFICER INCHARGE, SUB JAIL, HOSUR.

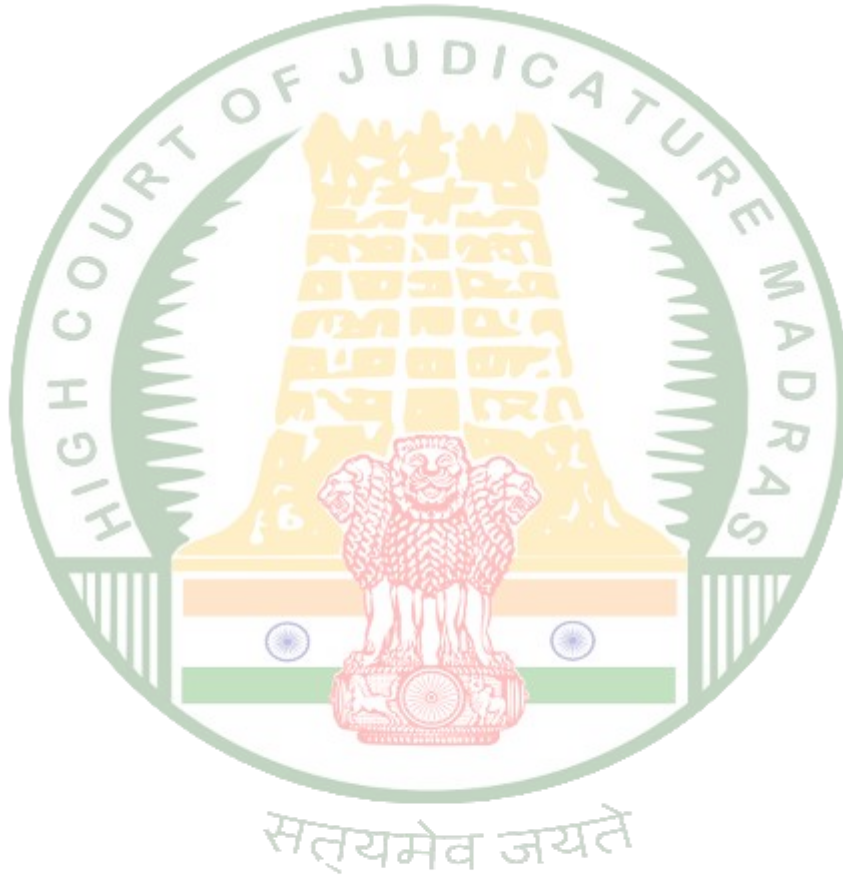
7 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

8 THE SESSIONS OFFICER, A1 SECTION, HIGH COURT, MADRAS.

+1cc to the Government Pleader, S.R.No. 64766

Cr1.R.C.No. 196 of 2011

RSI (CO)
TR(11/12/2017)



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