

Bail Slip

Crl.Rc.1035 of 2013

The Accused/Appellant Viz, Manjunathan, aged 27 years, S/o.Gopal, was released on bail as per order dt.22/8/13 made in Crl MP.No.1 of 2013 in Crl.Rc.1035 of 2013.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.1035 of 2013

Manjunathan

...Petitioner/Accused

Vs.

State, rep. by
The Inspector of Police,
Sipcot Police Station,
Ranipet, Vellore District.
(Crime No.171/2009)

... Respondent/Respondent

PRAYER: Criminal Revision filed under section 397 (1) and 401 Criminal Procedure Code, against the judgment of conviction dated 31.07.2013 made in C.A.No.222 of 2010 by the learned II Additional District and Sessions Judge, Vellore at Ranipet, modifying the judgment of conviction dated 21.09.2010 made in C.C.No.187 of 2007 by the learned District Munsif, Ranipet.

For Petitioner : Mr.Sairaman

For Respondent : Mr.R.Ravichandran
Government Advocate(Crl. Side)

ORDER

This criminal revision has been filed by the petitioner seeking to set aside the judgment of conviction dated 31.07.2013 made in C.A.No.222 of 2010 by the learned II Additional District and Sessions Judge, Vellore at Ranipet, modifying the judgment of conviction dated 21.09.2010 made in C.C.No.187 of 2007 by the learned District Munsif, Ranipet.

2 Case of the prosecution is that, on 29.06.2007 at about 7.30 p.m., at Agravaram Pennai Main Road, while deceased was returning to his house, he was hit by a Hero Honda vehicle, driven by the petitioner/accused, which was not registered and the injured fell down and sustained grievous head injuries and

when he was taken to Government Hospital, he was reported as dead. Hence, a case was registered against the petitioner/accused for the offences punishable under Sections, 279, 337 and 304 (A) of IPC. The respondent Police, after investigation, had filed a final report before the learned Judicial Magistrate II, Walajah and thereafter transferred to the District Munsif Court, Ranipet, which was taken on file in C.C.No.187 of 2007.

3 Before the trial Court, in order to prove case of the prosecution, P.W.1 to P.W.12 were examined and Ex.P1 to Ex.P11 were marked. On the side of the defence, no one was examined and no document was marked.

4 The learned District Musif, after trial, found the accused guilty of offence punishable under Section 304(A) with 279 & 337 merged with 279 & 337 of IPC and by judgment dated 21.09.2010, convicted and sentenced him to undergo simple imprisonment for four months. Aggrieved against the judgment of conviction, the petitioner/accused had preferred an appeal before the II Additional District and Sessions Judge, Vellore at Ranipet, in C.A.No.222 of 2010. The learned Sessions Judge, after hearing both the parties, by judgment dated 31.07.2013, had dismissed the appeal and modified the sentence by adding fine of Rs.2000/-, besides, the simple imprisonment of four months imposed by the trial Court.

5 Assailing the judgment of the II Additional District and Sessions Judge, Vellore at Ranipet dated 31.07.2013, the accused had preferred this present criminal revision before this Court.

6 Heard the learned counsel for petitioner and the learned Government Advocate (Crl.Side) for the respondent police and perused the materials available on record.

7 According to prosecution, on 29.06.2007 at about 7.30 p.m., at Agravaram Pennai Main Road, while deceased was returning to his house, he was hit by a Hero Honda vehicle, driven by the petitioner/accused in a rash and negligent manner, which was not registered, and the injured fell down and as a result, sustained grievous head injuries and subsequently died. Hence, the petitioner/accused was charged for the offences punishable under Sections 279, 337 and 304 (A) of IPC.

8 P.W.2 to P.W.5 and P.Ws 7 & 8, who are eye witnesses to the occurrence, had clearly spoken about the manner in which the accident had taken place. P.W.1, who is the father of the deceased had stated that death of his son had occurred only due to the injuries, which are grievous in nature, sustained by him at the time of accident. P.W.10, the Doctor, who conducted

postmortem, had issued Ex.P4/Postmortem Certificate, which also reveals that the death had occurred only due to the head injuries sustained by the deceased, at the time of accident. All the eye witnesses had stated that the accident had taken place only due to the rash and negligent driving of the petitioner/accused. The learned Sessions Judge, as a first Appellate Judge, had re-appreciated the entire evidence on record and had come to the conclusion that the death of the child, aged about 11 years, had occurred only due to the negligence of the petitioner/accused and hence, confirmed the conviction made by the trial Court. This Court, as a revision Court, need not re-appreciate entire evidence on record and this Court has to see, whether there is any perversity in the order of the Courts below. On perusal of the entire evidence on record and the judgments of conviction made by the Courts below, this Court does not find any perversity or infirmity and the judgments of conviction made by the Courts below does not warrants any interference.

9 In the result, the criminal revision is dismissed and the judgment dated 31.07.2013 made in Criminal Appeal No.222 of 2010 is hereby confirmed. The trial Court is directed to secure the accused to undergo remaining period of imprisonment, if any.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

cgi

To

- 1.The Judicial Magistrate,
Ranipet, Vellore District.
- 2.The Chief Judicial Magistrate,
Vellore.
- 3.The II Additional District and Sessions Judge,
Vellore at Ranipet, Vellore Dist.
- 4.The District Munsif, Ranipet.
- 5.The Inspector of Police,
Sipcot Police Station,
Ranipet, Vellore District.
- 6.The Public Prosecutor,
High Court of Madras.

7.The Record Clerk,
Criminal Section, High Court,
Madras.

+1cc to Mr.S.Sairaman, Advocate, S.R.No.72595

Crl.R.C.No.1035 of 2013

CA(CO)

RRS (03/04/2019)



WEB COPY