

BAIL SLIP

The Revisions Petitioner/Accused viz., M.Selvaraj, aged about 58 years S/o.Munusamy, was directed to be released on Bail as per order of this Court dated 26/09/2013 in Crl.M.P.No.1 of 2013 in Crl.Rc.No. 1191 of 2013 on the file of this court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.1191 of 2013

M.Selvaraj ...Petitioner/Appellant/Accused
Vs.

State by
The Inspector of Police,
Kaveripakkam Police Station,
Vellore District.
(Crime No.60/2008) ...Respondent/Respondent/Complainant

This Criminal Revision filed under Section 397 read with 401 of Code of Criminal Procedure against judgment of conviction dated 23.08.2013 made in Crl.A.No.13 of 2010 by the learned II Additional District and Sessions Judge, Vellore at Ranipet, Vellore District, confirming the judgment and sentence passed by the learned District Munsif-cum-Judicial Magistrate I, Walajapet, Vellore District in C.C.No.27 of 2008 dated 12.01.2009.

For Petitioners : Mr.E.Kannadasan

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

O R D E R

This criminal revision has been filed against the judgment of conviction dated 23.08.2013 made in Crl.A.No.13 of 2010 by the learned II Additional District and Sessions Judge, Vellore at Ranipet, Vellore District, confirming the judgment and sentence passed by the learned District Munsif-cum-Judicial

Magistrate I, Walajapet, Vellore District in C.C.No.27 of 2008 dated 12.01.2009.

2 It is the case of the prosecution that while the deceased Ezhilarasi, 10 years old, along with her parents P.W.1 and P.W.2, had trying to cross the Vellore to Chennai MBT Main Road at Kaveripakkam Junction, the petitioner/accused, drove his vehicle in a rash and negligent manner and dashed against the deceased, which resulted in death of deceased Ezhilarasi. Hence, the respondent police has registered a case in Crime No.60 of 2008 for the offences punishable under Sections 279 and 304 (A) IPC and after investigation, filed a final report before the learned Judicial Magistrate No.I, Walajapet.

3 Before the trial Court, in order to prove the case of the prosecution, P.W.1 to P.W.7 were examined and Ex.P1 to Ex.P9 were marked and on the side of the accused no one was examined and no document was marked.

4 The learned Magistrate, after elaborate trial, found the accused guilty of offence punishable under Section 279 and 304 (A) IPC, convicted and sentenced him to undergo six months simple imprisonment for the offence under Section 304(A) IPC and imposed fine of Rs.1,000/-, in default, to undergo simple imprisonment for a further period of four weeks for the offence under Section 279 IPC, by judgment dated 12.01.2009. Aggrieved against the above judgment of conviction, the accused had preferred an appeal before the learned II Additional District and Sessions Judge, Vellore at Ranipet, Vellore District in Criminal Appeal No.13 of 2010. The lower appellate Court, after hearing both sides, by judgment dated 23.08.2013 had dismissed the appeal and confirmed the conviction and sentence imposed by the trial Court.

5 Aggrieved against the judgment dated 23.08.2013, the accused has preferred the present criminal revision before this Court.

6 The learned counsel for the petitioner fairly admitted that the accident has occurred due to rash and negligent driving of the petitioner, but, not with any intention. Hence, some leniency may be shown on the petitioner and the sentence of six months simple imprisonment for the offence under Section 304(A) IPC, may be reduced.

7 Acceding the fair submissions made by the learned counsel for the petitioner, this Court is inclined to modify the sentence imposed by the Courts below, however the revision is dismissed with regard to conviction passed by the Courts below.

8 Accordingly, conviction made by the Courts below is hereby confirmed and sentence made for the offence under Section 304(A) IPC alone is modified from six months to three months. Trial Court is directed to secure the accused to undergo remaining period of imprisonment, if any.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The II Additional District and Sessions Judge,
Vellore at Ranipet, Vellore District.
2. The District Munsif-cum-Judicial Magistrate I,
Walajapet, Vellore District.
3. The Judicial Magistrate- I,
Walajapet.
4. The Superintendent of Police,
Vellore District.
5. The Inspector of Police,
Kaveripakkam Police Station,
Vellore District.
6. The Public Prosecutor,
High Court of Madras.
7. The Section Officer,
Criminal Section, High Court, Madras.

Copy To: The Chief Judicial Magistrate,
Vellore.

+1 cc Mr.E.Kannadasan, Advocate, SR.No. 65873

Cr1.R.C.No.1191 of 2013

SSD(CO)
CSL/24.10.2018