

BAIL SLIP

The Appellant / Accused namely Alagiri S/o.Ponnusamy, was directed to be released on bail as per order dated 07/01/2017 in M.P.No.1/2013 in CrI.R.C.No.1210/2013 on the file of this Court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.R.C.No.1210 of 2013

Alagiri

...Petitioner / Accused

Vs.

State rep. by
The Inspector of Police,
Kaveripakkam Police Station,
(Cr.No.534 of 2007)

...Respondent / Complainant

Prayer: The Criminal Revision filed under Section 397 and 401 of Code of Criminal Procedure against the judgment of conviction dated 19.08.2013 made in C.A.No.27 of 2011 by the learned II Additional District & Sessions Judge, Vellore at Ranipet, modifying the judgment dated 10.01.2011 made in C.C.No.219 of 2007 by the learned District Munsif-cum-Judicial Magistrate I, Walahjapet.

For Petitioner : Mr.K.Kannan - No Appearance

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

ORDER

This criminal revision has been filed against the judgment of conviction dated 19.08.2013 made in C.A.No.27 of 2011 by the learned II Additional District & Sessions Judge, Vellore at Ranipet, modifying the judgment dated 10.01.2011 made in C.C.No.219 of 2007 by the learned District Munsif-cum-Judicial Magistrate I, Walahjapet.

2 Case of the prosecution is that on 21.10.2007 at 3.30 hours, the accused had driven the Bus, belongs to State Government bearing Reg.No.TN 29 N 1814, proceeded from Dharmapuri to Chennai, in a rash and negligent manner and hit against the lorry bearing Reg.No.TN 23 AV 3699, which was also proceed to Chennai in front of the the bus, at Bangalore-Chennai National Highway near Sumaithangi. As a result, conductor of the bus died at the spot and some of the passengers in the bus and the driver and cleaner of the lorry had sustained injuries. P.W.1/Jagadeesan, who was one of the passengers and injured, had given a complaint/ExP1 before the Kaveripakkam Police Station. P.W.17/Sub-Inspector of Police registered a case in Cr.No.534 of 2007 and P.W.13/Sub Inspector of Police, after investigation, filed a final report before the learned District Munsif-cum-Judicial Magistrate, Walajahpet, which was taken on file in C.C.No.219 of 2007.

3 Before the trial Court, on the side of the prosecution, P.W.1 to P.W.18 were examined and Ex.P1 to Ex.P13 were marked. On the side of the defence, no one was examined and no document was marked.

4 The learned trial Magistrate, after trial, found the accused guilty of offence punishable under Sections 279, 338 and 304(A) (2 counts) and by judgment dated 10.01.2011, convicted him and imposed a fine of Rs.1000/-, for each of the offences under Sections 279 and 338 of IPC, in default, to undergo one month simple imprisonment and sentenced to undergo one year rigorous imprisonment for the offence under Section 304(A) each and ordered the punishments should run concurrently. Against the judgment of conviction, the accused had preferred an appeal before the learned II Additional District and Sessions Judge, Vellore, in Criminal Appeal No.27 of 2011. The learned Sessions Judge, after hearing both the parties, by judgment dated 19.08.2013, had dismissed the appeal and modified the sentence for the offence under Section 304(A) (2 counts) imposed by the trial Court to the effect that the petitioner should undergo rigorous imprisonment for a period of three months with fine of Rs.5000/- for each count, in default, to undergo rigorous imprisonment for a further period of one month.

5 Aggrieved against the judgment dated 19.08.2013, the accused has preferred this present criminal revision before this Court.

6 When the matter is taken up for hearing, there is no representation for the petitioner. Heard the learned Government Advocate (Crl.Side) appearing for the respondent police. Since the revision is pending from the year 2013 and considering the offences involved in this revision, this Court gone through the records to dispose of the same on merits.

7 P.W.6 and P.W.7, who are eye witnesses to the occurrence, had clearly spoken about the manner, in which the accident had taken place. P.W.1, author of the complaint/Ex.P1, had sustained injuries and one person lost his life, only due to rash and negligent driving of the petitioner/accused. The learned Sessions Judge, as a first appellate Court, after re-appreciating entire evidence, had reduced the sentenced imposed on the petitioner by the trial Court. This Court does not find any perversity or infirmity in the judgment and the same does not warrants any interference.

8 In the result, the criminal revision is dismissed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The II Additional District & Sessions Judge, Vellore at Ranipet.
2. The District Munsif-cum-Judicial Magistrate I, Walahjapet.
3. The Public Prosecutor, High Court of Madras.
4. The Inspector of Police, Kaveripakkam Police Station.
5. The Director General of Police, Mylapore, Chennai - 4.

LN(CO)
SSM(27/03/2019).

Crl.R.C.No.1210 of 2013