

Bail Slip

The Petitioner/Accused namely Sridhar S/O Palayam is directed to be released on bail as per order of this Honourable Court, dated 21.11.2013 in CrI.M.P.No.1 of 2013 in CrI.R.C.No.1429 of 2013 on the file of this Honourable Court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.R.C.No.1429 of 2013

Sridhar

...Petitioner

Vs.

State by
The Inspector of Police,
R4, Traffic Investigation,
Pondy Bazar Police Station,
Chennai.

...Respondent

This Criminal Revision filed under Section 397 & 401 of Code of Criminal Procedure to set aside the judgment in C.A.No.163 of 2011 dated 12.11.2013 made by the learned IV Additional Sessions Judge, Chennai, confirming the conviction and sentence passed by the learned IV Metropolitan Magistrate, Saidapet, Chennai in C.C.No.9730 of 2009 dated 19.07.2011 and acquit the petitioner from all the charges.

For Petitioner : Mr.R.Prasadh

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

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O R D E R

This criminal revision has been filed seeking to set aside the order dated 12.11.2013, passed by the learned IV Additional Sessions Judge, Chennai, in C.A.No.163 of 2011, confirming the judgment of conviction and sentence dated 19.07.2011, passed by the learned IV Metropolitan Magistrate, Saidapet, Chennai, in C.C.No.9730 of 2009.

2 The case of the prosecution is that on 11.07.2008 at about 7.20 pm, when the deceased was driving his motor cycle near Arcot Road, Kodambakkam, the petitioner/accused who was driving the MTC bus, bearing registration No.TN 01 N2280 in a rash and negligent manner, dashed the motor cycle of the deceased, due to which, the deceased fell down. At that time, the front left side wheel of the bus crushed the head of the deceased and died on the spot. Hence, the respondent police had filed a charge sheet against the petitioner/accused, under Section 304-A IPC and 84 Motor Vehicles Act before the learned IV Metropolitan Magistrate, Saidapet, Chennai, which was taken on file in C.C.No.9730 of 2009. During the trial, PW-1 to PW-5 were examined and Ex.P1 to P11 were marked. No witness was examined and exhibit was marked on the side of defence. After trial, the learned Magistrate found the accused guilty and by order dated 19.07.2011 convicted and sentenced him to undergo Rigorous Imprisonment for one year and to pay a fine of Rs.3000/- in default, to undergo simple imprisonment for a further period of three months.

3 As against the order dated 19.07.2011, the petitioner filed an appeal before the learned IV Additional Sessions Judge, Chennai, in C.A.No.163 of 2011. After hearing both the parties and after perusing the materials placed on record, the learned Sessions Judge, dismissed the appeal, by Judgment dated 12.11.2013 and confirmed the conviction and sentence passed by the learned IV Metropolitan Magistrate, Saidapet, Chennai in C.C.No.9730 of 2009.

4 Aggrieved against the judgment dated 12.11.2013, the accused has preferred the present criminal revision petition before this Court.

5 The learned Counsel for the petitioner would submit that both the Courts below had erroneously convicted the petitioner, believing the evidence of P.W.1, who is the friend of the deceased and also interested witness. P.W.1 could not have been eye witness and the respondent police had foisted false case, in order to extract money from the petitioner. Therefore, the conviction passed by both the Courts below is liable to be set aside.

6 The learned Government Advocate (CrI.Side) appearing for the respondent police would submit that P.W.1, who is the eye witness to the occurrence, had clearly spoken about the manner in which the accident had taken place and he stated that the accident was only due to rash and negligent driving of the petitioner. Further the petitioner/accused, had not even stopped the bus, after dashing the deceased, which clearly shows his negligent attitude. Medical records also proves that the

injuries suffered by the deceased at the time of accident was the only reason for the death. Hence both the Courts below had rightly convicted the petitioner, which does not warrants any interference.

7 Heard the rival submissions made on either side and perused the materials available on record.

8 It is seen that P.W.1, who is the eye witness to the occurrence, had clearly spoken about the occurrence, and it would suffice to convict the petitioner. Both the Courts below had rightly appreciated the oral and documentary evidence placed on record and convicted the petitioner, in which this Court does not find any infirmity. However, in order to meet ends of justice, the sentence of imprisonment alone modified from one year to six months. Trial Court is directed to secure the petitioner/accused to undergo remaining period of imprisonment, if any.

9 With the above modification, the criminal revision is disposed of.

Sd/-

Assistant Registrar(CS V)

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Sub Assistant Registrar

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To

1.The IV Additional Sessions Judge,
Chennai.

2.The IV Metropolitan Magistrate,
Saidapet, Chennai.

3.The Inspector of Police,
R4, Traffic Investigation,
Pondy Bazar Police Station,
Chennai.

4.The Director General of Police,
Mylapore, Chennai-4.

5.The Public Prosecutor,
Madras High Court.

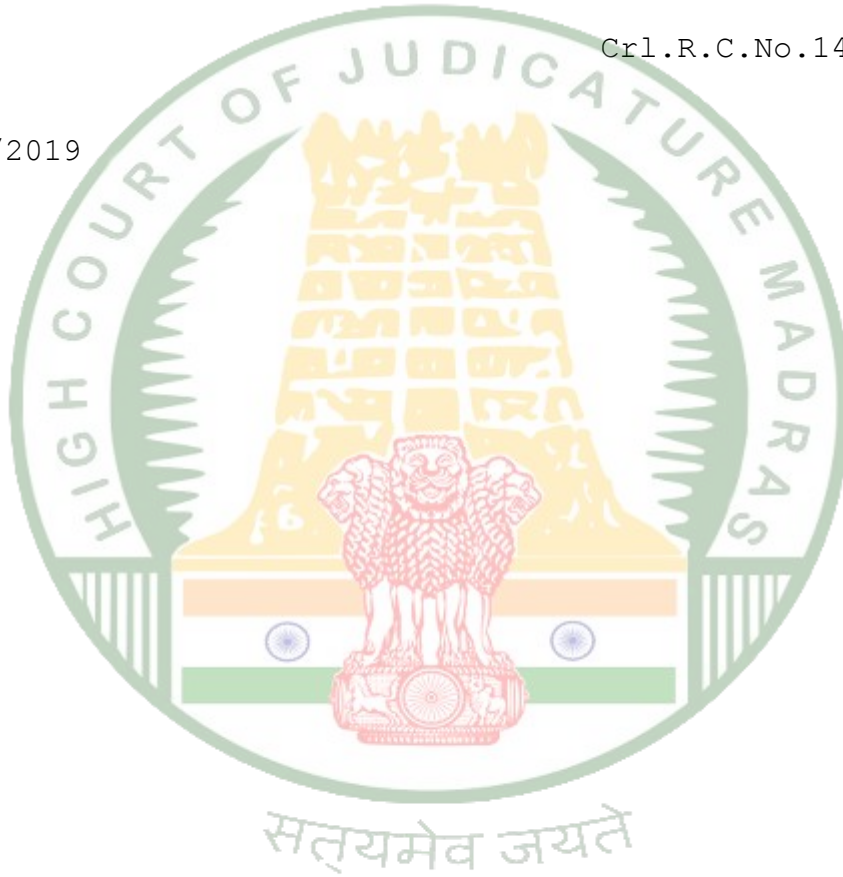
Copy to

The Section Officer,
Criminal Section, High Court, Madras.

+1cc to M/s.R.Prasadh, Advocate Sr.73956

Cr1.R.C.No.1429 of 2013

srg 03/04/2019



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