

Bail Slip

The Petitioner/Sole Accused namely Gnanasekaran S/o Murugesan in C.C. No. 6/2009 dated 06.07.2012 on the file of the Judicial Magistrate, Mettupalayam was directed to be released on bail as per order of this court dated 21.02.2013 made in CrI.M.P. 1 & 3/2013 in CrI.R.C. 215/2013 on the file of this court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 30.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Criminal Revision No.215 of 2013
and M.P.Nos.1 & 3 of 2013

Gnanasekaran

... Petitioner/Accused

.. Vs ..

The State represented by
The Inspector of Police
Mettupalayam Police Station
Coimbatore District.
Crime No.533 of 2008.

... Respondent/Complainant

PRAYER: Criminal Revision filed under Section 397 and 401 of Criminal Procedure Code to set aside the order passed in C.A.No.207 of 2012 by order dated 06.11.2012 on the file of the Learned Principal District and Sessions Judge, Coimbatore, confirming the judgment and order passed in C.C.No.6 of 2009 by order dated 06.07.2012 by the Learned Judicial Magistrate, Mettupalayam.

For Petitioner : Mr.C.Ramkumar

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

JUDGMENT

This Criminal Revision is filed to set aside the order passed in C.A.No.207 of 2012 by order dated 06.11.2012 on the file of the Learned Principal District and Sessions Judge,

Coimbatore, confirming the judgment and order passed in C.C.No.6 of 2009 by order dated 06.07.2012 by the Learned Judicial Magistrate, Mettupalayam.

2. It is the case of the prosecution that on 14.07.2008 at 10 pm the deceased was traveling in a TVS 50 moped bearing registration No.TN 40 A 5393 to go to a restaurant at that time the petitioner who is a driver of an auto bearing registration No.TN 40 A 8447 came fastly and negligently dashed the deceased and the deceased died and a case was registered in Crime No.553 of 2008 under Section 279, 304(A) and 202 IPC and charge sheet was filed and the same was taken on file of the learned Judicial Magistrate, Mettupalayam, in C.C.No.6 of 2009. After conducting trial, the learned Judicial Magistrate convicted the petitioner on 06.07.2012, under Section 279 IPC and sentenced to undergo 3 months rigorous imprisonment and a fine of Rs.100 in default one week simple imprisonment and for the offence under Section 304 (A) IPC, the petitioner sentenced to undergo one year rigorous imprisonment and a fine of Rs.500/- in default one month rigorous imprisonment.

3. Against the order of trial Court, the petitioner herein preferred an Appeal in C.A.No.207 of 2012, before the Principal District and Sessions Judge, Coimbatore and on 06.11.2012, the learned Judge confirmed the order passed by the trial Court in C.C.No.6 of 2009. Against which the petitioner is before this Court with the present Criminal Revision.

4. The learned counsel for the petitioner would submit that the incident took place on 14.07.2008 is admitted one. He further seeks modification of the sentence passed by the trial Court and confirmed by the 1st appellate Court.

5. The learned counsel for the respondent would submit that it is clear from the witnesses P.Ws.1 to 12 and Exs.P.1 to 9, that the petitioner only committed offence under Sections 279 and 304 (A). More particularly, the 1st appellate Court has also confirmed the order of the trial Court in convicting the petitioner. Hence the present revision may be dismissed.

6. Heard both sides and perused the materials available on record.

7. It is the case of rash and negligent driving of the accused. Both the Courts below have rightly considered the matter and convicted the petitioner. Since there is no material available to take a different stand, this Court also confirms the order of the 1st appellate Court in CrI.A.No.207 of 2012 dated 06.11.2012. There is no perversity is found in the Judgments of the Courts below and there is no merit in the revision. However, quantum of sentence is concerned, it is

modified from 1year rigorous imprisonment to 6 months rigorous imprisonment. Remaining part of the judgment is unchanged.

8. With the above modification, the present Criminal Revision is dismissed. Consequently connected miscellaneous petitions are closed.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1. The Judicial Magistrate, Mettupalayam.
 2. Do Thro The Chief Judicial Magistrate, Coimbatore.
 3. The Principal District and Sessions Judge Coimbatore.
 4. The Public Prosecutor High Court of Madras.
 5. The Inspector of Police Mettupalayam Police Station Coimbatore District.
 6. The Section officer Criminal Section High Court, Madras 104.
- +1 CC to Mr.C. Ramkumar, Advocate sr 59968.

Criminal Revision No.215 of 2013
and M.P.Nos.1 & 3 of 2013

SKV(CO)
SP(15/11/2018)

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