

BAIL SLIP

The Petitioner/Accused viz., Manikandan, was directed to be released on bail as per the order of this Court dated 05.12.2012 in CRL.MP.No.1/12 in CRL.R.C.No.1471 of 2012.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CRL.R.C.NO.1471 OF 2012

Manikandan

...Petitioner/Accused

-Vs-

The State rep. By

The Sub-Inspector of Police,

Sivakanchi Police Station,

kancheepuram District.

...Respondent/Complainant

This Criminal Revision Case is filed under Sections 397 read with Section 401 of Cr.P.C. to set aside the conviction and sentence passed by the learned District and Sessions Judge No.II, Kancheepuram in C.A.No.14 of 2012 dated 29.11.2012 confirming the judgment dated 29.03.2012 made in C.C.No.274 of 2010 by the learned Judicial Magistrate No.I, Kancheepuram.

For Petitioner : Mr.R.Murugabharathi

- No Appearance

For Respondent : Mr.T.Shanmugarajeswaran

Government Advocate (Crl.Side)

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O R D E R

The criminal revision case has been filed by the accused against the concurrent judgment of conviction made by both the Courts below.

2 Case of the prosecution is that on 28.04.2010 at about 21.00 hours, while the deceased standing near Hotel Abhirami, at

Kancheepuram Kamarajar Road, the petitioner drove the lorry bearing Reg.No.TN 21 Q 2646 from south to north, and dashed against the deceased and caused death to her.

3 Therefore the respondent police registered a case against the petitioner for the offence under Section 279 and 304 (A) of IPC in Crime No.274 of 2010 and after investigation laid a charge sheet before the learned Judicial Magistrate No.I, Kancheepuram and the same was taken on file in C.C.No.274 of 2010 and after trial found the revision petitioner guilty of offence punishable under Sections 279 and 304 of IPC and by judgment dated 29.03.2012 convicted and sentenced him to undergo simple imprisonment for a period of three months for the offence under Section 304(A) of IPC and imposed fine of Rs.500/- in default, to undergo simple imprisonment for a period of two weeks for the offence under Section 279 of IPC . Aggrieved against the judgment of conviction, the petitioner had preferred an appeal before the learned District and Sessions Judge No.2, Kancheepuram, in C.A.No.14 of 2012. The learned Sessions Judge, after hearing both the parties, by judgment dated 29.11.2012, dismissed the appeal and confirmed the conviction recorded by the trial Court. Challenging the concurrent judgment of both the Courts below, the petitioner is before this Court with the present criminal revision case.

4 When the matter was taken up for hearing on 20.06.2019, at request of the learned counsel for the petitioner only the matter was adjourned to today. Even, today, when the matter is called, none appeared on behalf of the petitioner, despite sufficient opportunities given. Since the revision is pending from the year 2012 without any progress and also considering the fact that the learned counsel for the petitioner is not interested in conducting the case, this Court is inclined to dispose of the revision on merit.

5 Heard the learned counsel appearing for the respondent police and perused the materials available on record.

6 P.W.1 is the complainant, P.W.5 is eye witness, P.W.10 is Investigating Officer and P.W.9 is the Doctor, who conducted postmortem, who had clearly stated that the deceased sustained injuries in the accident and due to the same she succumbed to death. On reading of the evidence of P.W.5, eye witness, it is clear that at the time of accident, the revision petitioner driven the lorry in a rash and negligent manner and dashed against the deceased and she sustained injuries. From the evidence of prosecution witnesses, prosecution has proved its case beyond reasonable doubts. The trial Court had rightly appreciated the evidence and convicted the petitioner and the lower appellate Court has also after re-appreciating the

evidence, confirmed the conviction recorded by the trial Court. This Court while, exercising revisional jurisdiction, cannot re-appreciate entire evidence and substitute its findings, unless there is any perversity in appreciating the evidence by Courts below.

7 This Court does not find any perversity in the findings given by both the Courts below. There is no merit in the revision and hence the criminal revision case is dismissed. Trial Court is directed to secure the petitioner to undergo remaining period of sentence, if any.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The District and Sessions Judge No.II, Kancheepuram.
2. The Judicial Magistrate No.I, Kancheepuram.
3. The Public Prosecutor, High Court of Madras.
4. The Sub-Inspector of Police, Sivakanchi Police Station, kancheepuram District.
5. The Chief Judicial Magistrate, Chengalpattu (For Information)
6. The Superintendent, Central Prison, Vellore.

Copy To

The Section Officer,
Criminal Section (Records)
High Court, Madras-104.

सत्यमेव जयते

Cr1.R.C.No.1471 of 2012

SVI (CO)
CS/26/11/2019

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