

Bail Slip

The Petitioner/Accused namely Govindan was enclared on bail and in by the order dated 29/3/2012 made in MP 1/2012 in Cr1.R.C.382/2012 on the file of this Honourable High Court of Madras filed against the order passed in CA 35/2011 dated 23.02.2012 on the file of the Learned Sessions Judge, Sessions Court No.II, Kancheepuram No.III.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.02.2019

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THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Cr1.R.C.No.382 of 2012
and M.P.No.1 of 2012

Govindan ... Petitioner /Accused

Vs.

The State represented by
The Inspector of Police,
Kancheepuram Taluk Police Station,
Kancheepuram District
Crime No.321 of 2006 ... Respondent/Complainant

Prayer: Criminal Revision case filed under Section 397 r/w 401 of Cr.P.C. praying to set aside the order passed in CA.No.35 of 2011 by order dated 23.02.2012 on the file of the learned Sessions Judge, Sessions Court No.II, Kancheepuram, No.III, confirming the judgment and order passed in C.C.No.259 of 2006 by order dated 23.08.2011 by the learned Judicial Magistrate No.II, Kancheepuram District.

For Petitioner : No appearance

For Respondent : Mr.T.Shanmuga Rajeswaran,GA

O R D E R

This Criminal Revision Case has been preferred by the petitioner, against the judgment passed in C.A.No.35 of 2011 dated 23.02.2012, on the file of the learned Sessions Judge, Sessions Court No.II, Kancheepuram and confirming the judgment passed in C.C.No.259 of 2006 dated 23.08.2011 by the learned Judicial Magistrate No.II, Kancheepuram District.

2. There is no representation for the revision petitioner. Heard the learned Government advocate appearing for the State.

3. This revision petition is directed against the concurrent findings of the Courts below wherein the revision petitioner is held guilty for the offence under Sections 279 and 304(A) (2 counts) IPC. The revision petitioner herein on 09.03.2006 at about 4.15 hours near Bakthavatsalam Polytechnic College, Kanchi Taluk on the NH Road ramped into a tanker lorry while driving his van. Due to rash and negligent driving of the revision petitioner, his van collided with the stationed tanker lorry, two persons travelling in his van died on the spot.

4. The prosecution had examined 11 witnesses and 11 documents were marked in respect of the prosecution witnesses to the occurrence. PW.2 and PW.3 have narrated about the manner in which the accident has taken place. The Motor Vehicle Inspector report coupled with the ocular evidence of the witnesses who have witnessed the accident have corroborated each other the evidence put forth by the prosecution that the accident has taken place due to rash and negligent driving of the accused. The evidence of PW.3 particularly has disclosed the fact that the van driven by the accused ramped into the stationed lorry. The rashness and negligence of the accused has been spoken by all the eyewitness. Therefore, the trial Court held the revision petitioner guilty for the offences under Sections 279 and 304(A) (2 counts) IPC. Sentence him to undergo six months Simple Imprisonment and to pay a fine of Rs.5000/-; each in default to undergo S.I for 3 months for an offence under Section 304(A) IPC and to pay a fine of Rs.500/-; in default to undergo S.I for one month for an offence under Section 279 IPC. On appeal the learned Sessions Judge, Kancheepuram confirmed the trial Court judgment. Against which the present revision petition has been filed.

5. In the grounds of revision, the revision petitioner has contended that the evidence of PW.1 and PW.2 had not been properly appreciated by the Courts below. The driver of the tanker lorry PW.2 stationed the lorry due to break failure. PW.3-cleaner of the lorry admit that he did not take any precaution to indicate that the lorry is parked. The failure of the lorry driver and its cleaner to place the parking signal for the upcoming vehicle to know a vehicle is parked ahead, has caused the accident and it is not due to rash and negligent driving of the revision petitioner.

6. The evidence appreciated by the Courts below would indicate that at about 4'0 clock early morning the accident has

taken place on an highways, the Maxi van driven by the accused has hit against the stationed lorry unless and until the driver had driven the vehicle rashly and negligently, this accident could not have happened. A little amount of deligence would have averted a major accident. The manner in which the accident has taken plance as spoken by the witnesses clearly indicates the total negligence on the part of the revision petitioner.

7. Therefore, on perusing the records, this Court finds no merit in the revision petition to interfere, since both the Courts below have properly appreciated the evidence and held the accused guilty. Hence, the Criminal Revision Case is dismissed. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Judicial Magistrate No.II, Kancheepuram District.
- 2.The Chief Judicial Magistrate,
Chengalpattu (for information)
- 3.The Sessions Judge, Sessions Court No.II, Kancheepuram.
- 4.The Superintendent, Central Prison, Vellore.
- 5.The Inspector of Police,
Kancheepuram Taluk Police Station,
Kancheepuram District.
- 6.The Public Prosecutor,
High Court, Madras.
- 7.The Section Officer,
Criminal Section, High Court, Madras.

Cr1.R.C.No.382 of 2012

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srg 29/03/2019