



BAIL SLIP

The Appellant/Accused namely Gnanaguru was released on bail as per order of this Court dated 08.03.2013 and made in MP(MD)No.3 of 2013 in Crl RC(MD)No.212 of 2013 on the file of this Court.

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.R.C(MD)No.212 of 2013

Gnanaguru

... Petitioner/Appellant/Accused

Vs

The State rep by
The Inspector of Police,
Rajapalayam South Police Station,
Virudhunagar District.
(Crime No.223 of 2006)

... Respondent/Respondent/
Complainant

PRAYER: Petition filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records, allow the revision petition and set aside the Judgment dated 05.10.2007 made in C.C.No.348 of 2006 on the file of the Judicial Magistrate, Rajapalayam which was confirmed by the Judgment dated 05.06.2012 in Crl.A.No.223 of 2007 on the file of the Principal Sessions Court, Virudhunagar at Srivilliputhur.

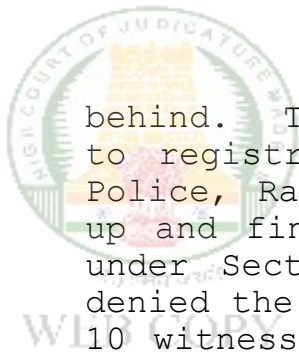
For Petitioner : Mr.C.Mayil Vahana Rajendran

For Respondent : Mr.A.Robinson
Government Advocate (Crl.side)

ORDER

The review petitioner was convicted for the offence under Section 304(A) of IPC and sentenced to two years rigorous imprisonment and levied with fine of Rs.2,000/- vide Judgment dated 05.10.2007 in C.C.No.348 of 2006 on the file of the Judicial Magistrate, Rajapalayam. The Judgment of Conviction and Sentence was affirmed in toto by the appellate Court, vide Judgment dated 05.06.2012 in Criminal Appeal No.223 of 2007 on the file of the Principal Sessions Judge, Virudhunagar District at Srivilliputhur. Challenging the same, this revision case came to be filed.

2.The petitioner was a lorry driver. The occurrence had taken place on 27.04.2006 at 06.00 pm. The deceased was a 12 year old boy who was riding a bicycle in the same direction. The lorry driven by the revision petitioner had hit the cyclist from



behind. The father of the deceased lodged Ex.P1-Complaint leading to registration of Crime No.223 of 2006 before the Inspector of Police, Rajapalayam South Police Station. Investigation was taken up and final report came to be filed. Cognizance of the offence under Section 304(A) of IPC was taken. The revision petitioner denied the charge and claimed to be tried. The prosecution examined 10 witnesses and marked Ex.P1 to Ex.P9. The accused did not lead any evidence in support of its defence. Both the Courts below have concurrently found the revision petitioner guilty.

3.Having regard to the evidence on record, the revision petitioner's counsel submitted that he would not contest the finding of guilt and that he would only plead for modification and reduction of sentence. The revision petitioner is having two daughters and one son.

4.Considering the mitigating circumstances pleaded by the revision petitioner's counsel, the sentence of imprisonment imposed on the petitioner is reduced from two years rigorous imprisonment to six months rigorous imprisonment. The conviction imposed on the revision petitioner is confirmed and the sentence alone is reduced and modified to the six months rigorous imprisonment.

5.With this modification in the matter of sentence, this criminal revision case is partly allowed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The Principal Sessions Court, Virudhunagar, Srivilliputhur.

2.The Judicial Magistrate, Rajapalayam.

3.-Do-thro' The Chief Judicial Magistrate, Virudhunagar.

4.The Inspector of Police,
Rajapalayam South Police Station,
Virudhunagar District.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.C.MAYIL VAHANA RAJENDRAN, Advocate (SR-78633[F] dated 30/07/2019)

Crl.R.C (MD) No.212 of 2013
30.07.2019

KK/SAR/31.01.2020/2P-7C/

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