

**Bail Slip**

The Sole Appellant Arumugam S/O. Ayyavu, Sole Accused directed to be released on bail vide order of this Court dated 12.03.2013 and made in MP.1/2013 in CRL RC(MD)No.264/2013.

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**DATED : 30.07.2019****CORAM:****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****CRL RC (MD)No.264 of 2013**

Arumugam ... Petitioner /Appellant / Sole Accused
Vs.

State,
through the Inspector of Police,
Srivilliputhur Police Station,
Virudhunagar District. ... Respondent / Respondent / Complainant
(Cr.No.593 of 2006)

Prayer : This Criminal Revision Case is filed under Section 397 r/w. Section 401 of the Criminal Procedure Code, to call for the records pertaining to the judgment in C.C No.33 of 2007 on the file of the learned Judicial Magistrate No.II, Srivilliputhur, Virudhunagar District by convicting the petitioner by an order dated 19.05.2008 and the same was confirmed by the learned Principal Sessions Judge, Virudhunagar District at Srivilliputhur in C.A No.90 of 2008 dated 21.02.2008.

For Petitioner : Mr.Jegadeesh Pandian
for M/s.K.J.Associates
For Respondent : Mr.A.Robinson,
Government Advocate (crl.side)

ORDER

The revision petitioner was prosecuted for the offence under Sections 279, 338 and 304 (A) IPC in C.C No.33 of 2007 on the file of the Judicial Magistrate No.II, Srivilliputhur, Virudhunagar District. He was found guilty and sentenced to undergo two months, three months and six months rigorous imprisonments respectively. He was levied with total fine of Rs.3,100/-. Questioning the judgment dated 19.05.2008 passed by the trial court, the revision petitioner



filed Criminal Appeal No.90 of 2008 before the Principal Sessions Judge, Virudhunagar District at Srivilliputhur. The appellate court by judgment dated 21.02.2013 dismissed the appeal and confirmed the conviction and sentence passed by the trial magistrate. Challenging the same, the revision petitioner filed this criminal revision case.

2.This is a case in which the petitioner by his rash and negligent driving caused the death of a two wheeler rider. The occurrence had taken place on 01.07.2006 at about 02.15 P.M on Srivilliputhur - Madurai main road. The revision petitioner was driving a mini bus. The two wheeler was coming from the opposite direction. A mere look at the rough sketch/Ex.P9 would indicate that but for the negligence on the part of the revision petitioner, the accident in question would not have occurred. The prosecution had examined as many as 9 witnesses and marked Exs.P1 to P9.

3.Having regard to the evidence on record, the learned counsel appearing for the petitioner submitted that he would not challenge the finding of guilt and that he would be satisfied if some leniency is shown in the matter of punishment. The revision petitioner comes forward to pay a sum of Rs.25,000/- as compensation to the wife of the victim. Taking note of the lapse of time and the mitigating factors pleaded by the learned counsel for the petitioner, this Court even while sustaining the conviction and fine imposed on the petitioner, reduces and modifies the sentence of imprisonment to four months rigorous imprisonment. In other words, the conviction and fine imposed on the petitioner alone are confirmed. The petitioner will have to undergo four months rigorous imprisonment. The petitioner is directed to pay a sum of Rs.25,000/- to the credit of C.C No.33 of 2007 on the file of the Judicial Magistrate No.II, Srivilliputhur, Virudhunagar District within a period of eight weeks from the date of receipt of a copy of this order. On such deposit, the learned Trial Magistrate shall hand over the said amount to the wife of the deceased. If there is no wife to the deceased, it shall go to the legal heirs of the deceased in equal share. If the petitioner fails to do so, the judgment passed by the appellate court will stand automatically restored.

4.With this modification, this revision case is partly allowed.

Sd/-

Assistant Registrar ()

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/ /2020

Sub Assistant Registrar(CS)



- 1.The Inspector of Police,
Srivilliputhur Police Station,
Virudhunagar District.
- 2.The Judicial Magistrate No.II,
Srivilliputhur,
Virudhunagar District.
- 3.The Principal Sessions Judge,
Virudhunagar District at Srivilliputhur.
- 4.The Chief Judicial Magistrate,
Virudhunagar at Srivilliputhur.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CRL RC (MD) No.264 of 2013
30.07.2019

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