

**Bail Slip**

Mr.Selvakumar, S/o Chidambara Asari, age 26 year was released on bail as per order of this court dated on 14.03.2011 made in MP (MD)No.2 of 2011 in CRL RC(MD)No.207 of 2011.

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHANCrl. R.C.(MD)No.207 of 2011

Selvakumar

.. Petitioner/Appellant/
Accused

Vs.

The State rep. by,
The Sub Inspector of Police,
Kannivadi Police Station,
Dindigul District.
(Cr. No.9 of 2007)

.. Respondent/Respondent/
Complainant

Prayer : This Criminal Revision is filed under Section 397 r/w 401 of Cr.P.C., to call for the records from the learned Additional Sessions Judge and Fast Track Court, Dindigul in C.A.No.56 of 2010, dated 15.02.2011 and set aside the order passed by the learned Judicial Magistrate No.II, Dindigul in C.C.No.257 of 2007, dated 27.09.2010.

For Petitioners : Mr.R.Venkatesan,
for M/s.Right Law Associates.

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

ORDER

The Revision petitioner was riding a two wheeler bearing Registration No.55-C-9231 in Kannivadi-Ottanchathram main road on 12.01.2007 at about 11 a.m. He was going from south to north. The deceased Pappammal was waiting to board a bus in Pannaipatti bus stop which was on the western side. The case of the prosecution is that the petitioner drove the two wheeler in a rash and negligent manner and hit the deceased Pappammal who was waiting in the bus stop. Pappammal suffered extensive injuries and died on the spot. In this regard, her grandson Murugesan P.W.1 lodged Ex.P.1 complaint and the same was registered as Ex.P.5 First Information Report in



Crime No.9 of 2012 on the file of the Kannivadi police station. Investigation was undertaken and final report was filed.

2. The learned Judicial Magistrate No.2, Dindigul, took cognizance of the offence under Section 304(A) of I.P.C. in C.C.No.257 of 2007. The petitioner denied the charge framed against him and claimed to be tried. The prosecution therefore examined the witnesses P.W.1 to P.W.8 and marked Ex.P.1 to Ex.P.7. The accused did not adduce any evidence. The learned trial Magistrate by Judgment dated 27.09.2010 found the petitioner guilty of the offence under Section 304(A) of I.P.C. and sentenced him to undergo two months Simple Imprisonment and also levied with a fine of Rs.5,000/-. The petitioner questioned the same by filing C.A.No.56 of 2010 before the learned Additional District and Sessions Judge, Fast Track Court, Dindigul. The learned Judge by Judgment dated 15.02.2011 dismissed the criminal appeal and confirmed the Judgment of the trial Court. Questioning the same, the Revision petition case was filed.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the memorandum of grounds.

4. He pointed out that the testimony given by the so called eyewitness cannot inspire the confidence of this Court. He wanted to reverse the decision of the Judgments of the Courts below.

5. I am unable to agree with the submissions made by the learned counsel appearing for the petitioner. A mere look at Ex.P.6 Rough Sketch would indicate that the accident had occurred at the extreme western end of the Kannivadi- Ottanchathram main road. It means that the deceased Pappammal was very much waiting in the bus stand and she had not violated the traffic rules and not contributed in any manner to the occurrence. Rash and negligent riding of the petitioner caused the death of an old lady. Therefore, the Courts below rightly found the petitioner guilty of the offence under Section 304(A) of I.P.C. The sentence imposed on the petitioner cannot be said to be excessive or disproportionate by any stretch of imagination.

6. I find no ground to interfere with the Judgments of the Courts below. The Criminal Revision petition stands dismissed. The learned trial Magistrate is directed to secure the petitioner to undergo the remaining period of sentence. The bail bond if any executed shall stand cancelled. No costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //



To

1. The Additional Sessions Judge/
Fast Track Court, Dindigul.

2. The Judicial Magistrate No.II,
Dindigul.

3 The Sub Inspector of Police,
Kannivadi Police Station,
Dindigul District.

4. The Additional Public Prosecutor,
Madurai bench of Madras High Court, Madurai.

5.The Section Officer, (2COPIES)
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.RIGHT LAW ASSOCIATES, Advocate (SR-71215[F] dated
25/06/2019)

Crl. R.C.(MD)No.207 of 2011
21.06.2019

PMU

MS/10.09.2019/3P.8C