



BAIL SLIP

The Appellant/Accused viz., R.Nagaraj, S/O.Ramar was released on bail order dated 28.06.2011 made in CRL MP(MD) No.1/2011 in CRL RC(MD) No.463/2011

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.R.C(MD)No.463 of 2011

R.Nagaraj

... Petitioner/Appellant/Accused

Vs

The State represented by its,
The Sub Inspector of Police,
Rural Police Station,
Virudhunagar,
Virudhunagar District.
(Crime No.280/2004)

... Respondent/Complainant

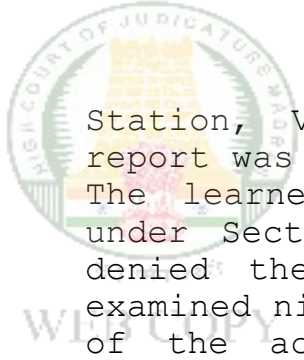
PRAYER: Petition filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the entire records relating to the Judgment of the learned Additional District Judge (Fast Track Court), Virudhunagar passed in C.A.No.17 of 2011, dated 15.06.2011, confirming the conviction and sentence passed by the learned Judicial Magistrate No.2, Virudhunagar in C.C.No.265 of 2005, dated 22.03.2011 and set aside the same by allowing the present Criminal Revision Petition and acquit the petitioner/accused.

For Petitioner : Mr.S.Ramasamy

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

ORDER

The petitioner was driving the mini lorry bearing Registration No.TN 63 Z 0838 on 21.11.2004 at about 6.30 a.m, in Virudhunagar- Madurai Road. In the said load vehicle, there were a number of occupants. When the vehicle was nearing Rediapatti Village, it capsized. In the resulting accident, a number of occupants of the Mini Lorry suffered injuries and one Meenachi daughter of P.W.1 died. In this regard, Crime No.280 of 2004 was registered on the file of the Sub Inspector of Police, Rural Police



Station, Virudhunagar. Investigation was undertaken and final report was filed before the Judicial Magistrate No.II, Virudhunagar. The learned Judicial Magistrate took cognizance of the offences under Sections 279, 337, 338 and 304 A of IPC. The petitioner denied the charges and claimed to be tired. The prosecution examined nineteen witnesses and marked Ex.P1 to Ex.P32. On the side of the accused, no evidence was adduced. The learned trial Magistrate, by Judgment dated 22.03.2011, found the accused guilty of the offences and levied fine on him on each count for the offences under Section 279, 337, 338 and for the offence under Section 304(A) of IPC, he was sentenced to one year simple imprisonment. Questioning the same, the convicted accused filed Criminal Appeal No.17 of 2011 before the Additional District Judge, (Fast Track Court), Virudhunagar. By Judgment dated 15.06.2011, the Appellate Court dismissed the appeal and confirmed the Judgment of the trial Magistrate. Questioning the same, this criminal revision case has been filed.

2.After hearing the learned counsel on either side, this Court comes to the conclusion that the conviction imposed by the Courts below does not warrant any interference. On the side of the prosecution, the occupants of the Van were examined. P.W.1 is the mother of the deceased Meenachi. The other witnesses have clearly deposed that after they got into the mini lorry, the lorry was driven in a very rash and negligent manner and that, notwithstanding their caution, the accused driver persisted in the way he drove and that led to capsizing of the vehicle. It is relevant to note that the vehicle in question was not involved in any collision with any other vehicle. The fact that it capsized and fell into a ditch itself indicates that the lorry was driven in a rash and negligent manner. Ex.P14 is the Rough Sketch. From the Rough Sketch also, one can come to the conclusion that but for the rash and negligent driving of the vehicle by the petitioner, the accident would not have occurred. When both the Courts below have concurrently found the petitioner guilty of the offences in question, I see no reason to take a different view. This is because, the Judgments of the Courts below have not been shown to suffer from any irregularity or perversity or illegality. The occurrence had taken place way back in the year 2005. More than 15 years have lapsed. Therefore, this Court is of the view that interest of justice will be served by modifying the sentence of imprisonment from one year simple imprisonment to six months simple imprisonment.

3.With this modification in the matter of sentence, this criminal revision case stands partly allowed.

Sd/-
Assistant Registrar (P&A)

/TRUE COPY/

<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar



- +1 CC to M/s.S.RAMASAMY, Advocate (SR-72306[F] dated 28/06/2019)

THE SECTION OFFICER,
CRIMINAL SECTION (RECORDS),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

RMI
JM/30.07.2019/3P-10C