



BAIL SLIP

The Appellant/Accused viz., Manimuthu, S/O.Venkatachalam was released on bail order dated 01.04.2013 made in MP(MD) No.1/2013 in CRL.R.C (MD) No.312/2013.

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.R.C (MD) No.312 of 2013

Manimuthu

... Petitioner/Sole Accused

Vs

State;

rep. by the Inspector of Police,

Thiruverumbur Police Station,

Thiruchirappalli.

(Crime No.549/2009)

... Respondent/Complainant

PRAYER: Petition filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records of the learned III Additional District Judge, Thiruchirappalli in Crl.A.No.116 of 2011 by Judgment dated 18.12.2012 confirming the conviction and sentence imposed by the learned Judicial Magistrate No.VI, Tiruchirappalli in C.C.No.320 of 2009 by the Judgment dated 15.11.2011 and set aside the Judgments of the Courts below and acquit the petitioner.

For Petitioner

: Mr.S.R.A.Ramachandran

For Respondent

: Mr.A.Robinson

Government Advocate (Crl.side)

ORDER

The petitioner was driving the TNSTC Bus bearing Registration No.TN 49 N 1905 on 31.08.2009 at about 07.00 a.m., in Trichy-Thanjavur Main Road. When the bus was crossing the Thiruverumboor locality, the petitioner's bus had hit the Velanganni Pathaiyathris from behind. One of the injured Pathaiyathri died enroute. In this regard, Ex.P1-complaint was lodged by P.W.1, who was also a Pathaiyathri. Crime No.549 of 2009 was registered on the file of the Inspector of Police, Thiruverumbur Police Station. Investigation was taken up and final report was filed before the Judicial Magistrate No.VI, Trichirappalli in C.C.No.320 of 2009. Cognizance of the offences under Sections 279 IPC, 337(2 counts) and 304(A) of IPC was taken. The petitioner denied the charge and

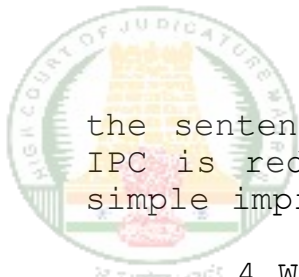
claimed to be tried. The prosecution examined nine witnesses. Ex.P1 to Ex.P9 were marked. On the side of the accused, no evidence was adduced. The learned trial Magistrate found the petitioner guilty of the offences and sentenced him as follows:-

Accused	Penal Provisions	Punishment
Accused	279 IPC	A Fine of Rs.750/-, in default, to undergo simple imprisonment for two months
	337 IPC (2 counts)	A Fine of Rs.1000/-, in default, to undergo simple imprisonment for two months
	304 (A) IPC	To undergo simple imprisonment for six months

Questioning the same, the petitioner filed Criminal Appeal No.116 of 2011 before the III Additional District Judge, Tiruchirppalli. By Judgment dated 18.12.2012, the appeal was dismissed and the Judgment of the trial Magistrate was confirmed. Challenging the same, this criminal revision case has been filed.

2. When the matter was taken up for hearing, the petitioner's counsel reiterated the contentions set out in the memorandum of grounds. Half of the road was closed for traffic. He submitted that the lorry was coming from the opposite direction and in order to avoid the same, the petitioner had swerved towards north and in that process, the accident in question had taken place.

3. I am unable to agree with the petitioner's counsel's submission. This Court had a look at Ex.P4-Rough Sketch. The vehicle in question that was driven by the petitioner, was going from west to east. The Velanganni Pathaiyathris were also going from west to east. They were walking on the mud road on the extreme southern side. It is true that the half of the road was closed for traffic. In such a case, the petitioner should have exercised greater care. The petitioner had hit pathaiyathris from behind and the occurrence spot was on the extreme northern end. A mere look at the Rough Sketch is sufficient to show that but for the negligence of the petitioner, the accident would not have occurred. The Courts below have concurrently found the petitioner guilty of the offences, with which, he was charged. I find no ground to interfere. The conviction imposed by the Courts below stands confirmed. At this stage, the petitioner's counsel submitted that the petitioner being a Public Corporation Driver would lose his job and that, therefore, this Court may show some indulgence in the matter of punishment. The occurrence had taken place more than ten years ago. Therefore,



the sentence of imprisonment for the offence under Section 304A of IPC is reduced from six months simple imprisonment to four months simple imprisonment.

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

Sd/-
Assistant Registrar (P&A)

/TRUE COPY/

Sub Assistant Registrar

To

1. The III Additional District Judge, Thiruchirappalli.

2. The Judicial Magistrate No. VI, Tiruchirappalli.

3. The Chief Judicial Magistrate,
Trichy District.

4. The Superintendent,
Central Prison, Trichy.

5. The Inspector of Police,
Thiruverumbur Police Station,
Thiruchirappalli.

6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s. S. R. A. RAMACHANDHRAN, Advocate (SR-72609[F] dated 02/07/2019)

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

Cr1.R.C (MD) No. 312 of 2013
01.07.2019

RMI
JM/30.07.2019/3P-10C