



BAIL SLIP

Petitioner/Accused viz., Selvam @ Selvarasu was already released on bail vide this Court order dated 09.04.2013 and made in MP(MD)No.2/13 in Crl.R.C.(MD)No.341 of 2013.

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHANCrl.R.C.(MD)No.341 of 2013

Selvam @ Selvarasu

.. Petitioner/Accused

Vs.

State through,
The Inspector of Police,
Manaparai Police Station,
(Crime No.385 of 2011)

.. Respondent/Complainant

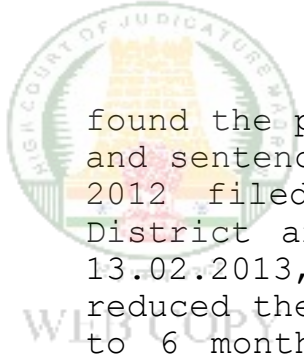
Prayer : This Criminal Revision petition is filed under Sections 397 and 401 of Cr.P.C., to allow the Revision and set aside the conviction and sentence dated 28.08.2012 made in C.C.No.18 of 2012 on the file of the learned Judicial Magistrate, Manapparai, as modified by the Judgment dated 13.02.2013 made in Crl.Appeal No.80 of 2012 on the file of the learned II Additional District and Sessions Judge, Thiruchirappalli.

For Petitioner : Mr.N.Anandakumar

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

ORDER

The petitioner was riding a two wheeler bearing Registration No.TN 45-A-8491 on 16.08.2011 at about 7.30 p.m. in Manaparai-Viralimalai road. When the petitioner was crossing Bharathiyar Nagar bus stop, he hit the deceased Pitchai who was standing near the bus stop. The said Pitchai who was injured died little later. Hence Crime No.385 of 2011 was registered on the file of the Manaparai police station. Investigation was undertaken and final report came to be filed against the petitioner herein before the learned Judicial Magistrate, Manapparai. The learned trial Magistrate took cognizance of the offence under Sections 279, 338 and 304(A) of I.P.C. in C.C.No.18 of 2012. The petitioner denied the charges and claimed to be tried. The prosecution examined 11 witnesses and marked Ex.P.1 to Ex.P.8. On the side of the petitioner, no evidence was adduced. The learned trial Judge by Judgment dated 28.08.2012



found the petitioner guilty of the offence with which he was charged and sentenced him accordingly. The same was modified in C.A.No.80 of 2012 filed by the petitioner before the learned II Additional District and Sessions Judge, Thiruchirappalli. By Judgment dated 13.02.2013, the appellate Court while sustaining the conviction, reduced the period of imprisonment from 1 year Rigorous Imprisonment to 6 months Simple Imprisonment in respect of the offence under Section 304(A) of I.P.C. The same is under challenge in this Criminal Revision.

2. When the matter was taken up for hearing, the petitioner's counsel submitted that having regard to the evidence on record, he would not be in a position to challenge the finding of guilt. He would only pray for further modification in the matter of sentence.

3. Taking note of the special facts obtaining in this case, even while sustaining the conviction, the period of imprisonment imposed on the petitioner under Section 304(A) of I.P.C., is reduced from 6 months Simple Imprisonment to 3 months Simple Imprisonment. The petitioner's counsel submitted that the petitioner would surrender before the Court below on or before 31.07.2019.

4. With this modification in the matter of sentence, the Criminal Revision stands partly allowed. The learned trial Magistrate is directed to secure the petitioner to undergo the remaining period of sentence. The bail bond, if any, executed by him shall stand cancelled. No costs.

Sd/-

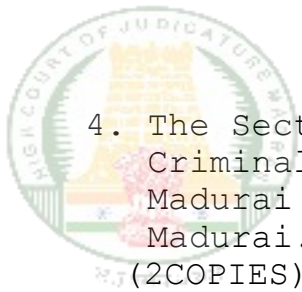
Assistant Registrar (CS II)

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Sub Assistant Registrar (CS)

To

1. The Judicial Magistrate,
Manapparai.
2. The II Additional District and Sessions Judge,
Thiruchirappalli.
3. The Inspector of Police,
Manapparai Police Station,
Thiruchirappalli.



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

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+1 cc Mr.N.ANANDAKUMAR ,Advocate, SR.No. 72642

Crl. R.C. (MD) No.341 of 2013
01.07.2019

PMU

KK/SAR/29.07.2019/3P-7C

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