

**BAIL SLIP**

The Appellant/Accused viz., S.Prakash, S/o.Sivalingam, was released on bail as per the order of this Court dated 23.04.2013 made in MP(MD)No.2/2013 in CrI.R.C(MD)No.391 of 2013.

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.R.C(MD)No.391 of 2013

S.Prakash

... Petitioner/Sole Accused

Vs

The State Represented by
the Inspector of Police,
Aravakurichi Police Station,
Karur District.
Crime No.308 of 2006.

... Respondent/Complainant

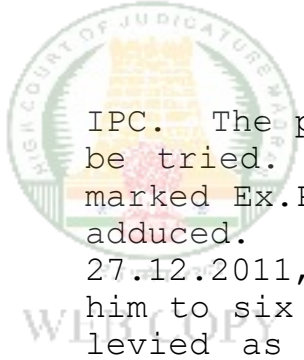
PRAYER: Petition filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the entire records pertaining to the Judgment delivered by the learned Principal District and Sessions Judge, Karur in C.A.No.9 of 2012, vide his Judgement dated 18.03.2013 modifying the sentence imposed by the learned Judicial Magistrate No.II, Karur in C.C.No.176 of 2007, vide her Judgement dated 27.12.2011 and set aside the same and consequently, honourably acquit the petitioner in the said case.

For Petitioner : Mr.R.Anand

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

ORDER

The petitioner herein was driving the vehicle bearing Registration No.TN 34 E 1554 (Maruthi Mini Van) in Karur -Didigul Highway from north to south. The van hit one Nallasamy at about 06.15 a.m., on 28.12.2006. He died on the spot. Hence, Crime No.308 of 2016 was registered on the file of the Inspector of Police, Aravakurichi Police Station for the offence under Section 304 (A) of IPC. Investigation was taken up and final report was filed before the Judicial Magistrate No.2, Karur. The learned Trial Magistrate took cognizance of the offence under Section 304(A) of



IPC. The petitioner pleaded not guilty to the charge and claimed to be tried. The prosecution examined as many as nine witnesses and marked Ex.P1 to Ex.P7. On the side of the accused, no evidence was adduced. The learned trial Magistrate, by Judgment dated 27.12.2011, found the petitioner guilty of the offence and sentenced him to six months simple imprisonment. A sum of Rs.5,000/- was also levied as fine. The fine amount has since been remitted. The petitioner filed Criminal Appeal No.9 of 2012 before the Sessions Court, Karur. By Judgment dated 18.03.2013, the conviction was sustained but the sentence was reduced to three months simple imprisonment. Challenging the same, this criminal revision case came to be filed.

2. When the matter was taken up for hearing, the learned counsel appearing for the petitioner submitted that having regard to the evidence on record, he would not be in a position to contest the finding of guilt. He only pleaded for leniency in the matter of punishment. He pointed out that the petitioner has not caused any accident or come under adverse notice for any subsequent traffic violation. The petitioner is having young children to support.

3. Taking note of the mitigating circumstances, particularly the fact that more than 12 years have lapsed, this Court even while sustaining the conviction, reduces the period of imprisonment from three months simple imprisonment to one month simple imprisonment. The petitioner is directed to surrender on or before 01.10.2019 to undergo the simple imprisonment of 30 days imposed by this Court.

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

Sd/-

Assistant Registrar (CS-III)

/ True Copy /

Sub Assistant Registrar (CS-)

To

1. The Principal District and Session Judge, Karur.

2. The Judicial Magistrate No.II, Karur.

3. The Inspector of Police,
Aravakurichi Police Station, Karur District.

Cr1.R.C (MD) No.391 of 2013
03.07.2019