



BAIL SLIP

Appellant/ Accused namely Baskaran s/o Chellllam was directed to be released on bail as per order of this Court dated 18.12.2013 and made in MP(MD)No.2 of 2013 in CRL.R.C(MD)No.853 of 2013 on the file of this Court.

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.R.C(MD)No.853 of 2013

Baskaran

... Petitioner/
Appellant/ Accused

Vs

The State through the
Inspector of Police,
Thenkarai Police Station,
under Crime No.1 of 2008

... Respondent/
Respondent/ Complainant

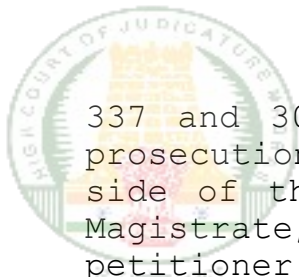
PRAYER: Petition filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the orders passed in Criminal Appeal No.29 of 2011, dated 28.10.2013 on the file of the Additional District and Sessions Court, Periyakulam, confirming the orders passed in C.C.No.37 of 2008, on the file of the Judicial Magistrate Court, Periyakulam, dated 10.08.2011.

For Petitioner : Mr.K.R.Laxman

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

ORDER

The petitioner was driving the auto bearing Registration No.TN 60 9991 on 03.01.2008 at about 05.15 p.m., in Periyakulam-Sothuparai road. When the petitioner tried to over take the Tractor, he hit P.W.2 who was carrying three months old baby of P.W.1. As a result of the accident, P.W.2 fell down and the baby that was carried by her died. In this regard, Crime No.1 of 2008 was registered on the file of the Inspector of Police, Thenkarai Police Station. Investigation was taken up and the final report was filed against the petitioner for the offences under Sections 279,



337 and 304(a) of IPC. The petitioner denied the charges. The prosecution examined 14 witnesses and marked Ex.P1 to Ex.P7. On the side of the accused, no evidence was adduced. The learned trial Magistrate, Periyakulam, by Judgment dated 10.08.2011, found the petitioner guilty of the offences under Sections 279, 337 and 304(a) (IPC) and sentenced him as follows:-

Accused	Penal Provisions	Punishment
Sole Accused	279 IPC	Sentenced him to pay a fine of Rs.1,000/-, in default, to undergo one month simple imprisonment
	337 IPC	Sentenced him to pay a fine of Rs.500/-, in default to undergo one month simple imprisonment.
	304 (a)	Sentenced him to undergo one year simple imprisonment

;-

Aggrieved by the same, the petitioner filed Criminal Appeal No.29 of 2011 before the Additional District and Sessions Judge, Periyakulam. The Appellate Court, by Judgment dated 28.10.2013 dismissed the appeal. Challenging the same, this criminal revision case came to be filed.

2.The learned counsel appearing for the petitioner submitted that having regard to the evidence on record, he will not be in a position to challenge the finding of guilt. Therefore, the conviction imposed on the petitioner is sustained. However, taking note of the fact that P.W.2 suffered simple injury and that, the death occurred, more because, she lost her balance, this Court is inclined to take a lenient view. Therefore, the sentence of imprisonment imposed on the petitioner in respect of the offence under Section 304(a) of IPC is reduced from one year simple imprisonment to three months simple imprisonment.

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar



To

1.The Additional District and Sessions Court, Periyakulam.

2. Do Throguh the Principal Sessions Judge,
Theni District.

3.The Judicial Magistrate Court, Periyakulam.

4. Do throguh the Chief Judicial Magistrate,
Theni District.

5.The Inspector of Police,
Thenkarai Police Station.

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

COPY TO:

The Section Officer, Criminal Section(Records)
Madurai bench of Madras High Court, Madurai.(2 copies)

CrI.R.C (MD) No.853 of 2013
03.07.2019

rmi
MS/18.09.2019/3P.9C