



BAIL SLIP

The Petitioner/Appellant/Accused namely Raghunathan Son of Padmanabha Pillai was directed to be released on bail as per the order of this court dt. 30/12/2013 made in CRL MP.1/2013 in CRL.RC.1616/2013 on the file of this court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 03.03.2020

PRONOUNCED ON : 09.03.2020

CORAM

THE HONOURABLE MR. JUSTICE T.RAVINDRAN

Crl.RC.No.1616 of 2013

Raghunathan

...Petitioner/Appellant/Accused

Vs

State rep. by Inspector of Police
Madukkarai Police Station,
Coimbatore District,
Crime No.21 of 2007

...Respondent/Respondent/Respondent

Prayer: Criminal Revision petition filed under section 397 & 401 of Cr.P.C. to set aside the judgment dated 30.09.2013 passed in C.A.No.83 of 2013 on the file of the learned Additional District and Sessions Judge, Coimbatore confirming the order of conviction and sentence of 6 months passed in C.C.No.263 of 2007 dated 27.05.2013 on the file of the learned Judicial Magistrate No.VII, Coimbatore convicting the petitioner for the offence under section 304-A I.P.C. and acquit the petitioner.

For Petitioner : Mr.V.V.Sairam

For Respondent : S.Thankira,
Government Advocate (criminal side)



O R D E R

The revision petitioner/accused has been convicted under Sections 279 and 304-A I.P.C. and sentenced to undergo simple imprisonment for six months under Section 304-A I.P.C. by the Judicial Magistrate No.VII, Coimbatore by judgment dated 27.05.2013 in C.C.No.263 of 2007. The same has been confirmed by the IV Additional District and Sessions Judge, Coimbatore by judgment dated 30.09.2013 in C.A.No.83 of 2013. Impugning the same, the present revision has been preferred.

2. The case of the prosecution is that the accused drove the vehicle bearing registration No.TN59 Y 6266 in Coimbatore - Palakkad main road on 08.02.2007 at about 6.30 P.M. in a rash and negligent manner and thereby hit one Ponmuthuramalingam causing his death and thereby committed the offences punishable under Sections 279 and 304-A IPC. Criminal complaint has been launched by PW1 Saravanan, friend of the deceased on the same date and after examining the witness and completing investigation, the final report had been laid against the revision petitioner/accused for the aforestated offences.

3. To sustain the charges levelled against the revision petitioner/accused, PWs 1 to 12 were examined and Exs.P1 to P8 were marked. On the side of the accused, no oral and documentary evidence has been adduced. No material object has been marked on either side.

4. On an appreciation of the materials placed on record, both oral and documentary, the Courts below came to the conclusion that the revision petitioner/accused has committed the offences punishable under Section 279 and 304-A I.P.C. and sentenced him to undergo simple imprisonment as aforestated. Assailing the same, revision petition has been laid.

5. On a scrutiny of the materials available on record, it is found that the deceased Ponmuthuramalingam died due to the injuries sustained in the motor vehicle accident and it is noted that the above accident had been caused by the accused by driving a lorry registration No.TN59 Y 6266 in a rash and negligent manner on Coimbatore - Palakkad main road on 08.02.2007 at about 6.30 P.M. As rightly held by the Courts below, it is noted that the deceased died due to the injuries sustained in the accident and the same could be gathered from the post-mortem certificate Ex.P3 and the evidence of the Doctor who conducted the post-mortem of the deceased namely, PW7. The lorry bearing registration No.TN59 Y 6266 had caused accident is also borne out by the materials placed on record, particularly, the Observation Mahazar and the Rough sketch projected in the case.



6. As regards the culpability attributed on the part of the accused i.e., it is the accused who had driven the vehicle in a rash and negligent manner and thereby caused the accident, the Courts below had placed reliance upon the convincing and reliable evidence of PWs 1 and 2 and particularly, when PW1 is found to have witnessed the accident directly and when his evidence has also been corroborated by PW2 and accordingly, when from the evidence of PWs 1 and 2, the rash and negligent driving of the vehicle by the accused has been brought home by the prosecution without any doubt, in all, it is found that as held by the Courts below, due to the rash and negligent driving of the vehicle by the accused, the barricades put up in the road were hit at the first instance by the accused and thereafter hit the deceased causing his death. Therefore, the manner in which the accident had occurred would only go to expose the rash and negligent manner of the driving of the vehicle by the accused and in such view of the matter, considering the oral and documentary evidence projected in the matter, in toto, the Courts below had rightly come to the conclusion that the accident had occurred only due to the rash and negligent driving of the offended vehicle by the accused and as regards the identity of the accused, as already noted, PW1 has already stated that he had noted the accused as the driver of the vehicle and when his evidence is also found to be corroborated by PW2 and nothing has been culled out from their mouth to disbelieve their evidence, it is thus seen that the Courts below are justified in holding that it is only the accused who drove the vehicle recklessly and caused the accident in question.

7. In the light of the abovesaid factors it is found that the prosecution has clearly brought home the guilt of the accused and in such view of the matter, the judgment of the Courts below convicting the accused under Sections 279 and 304-A I.P.C. does not warrant any interference.

8. Counsel for the accused submitted that considering the date of the accident i.e., accident having been taken place on 08.02.2007 and the accused being 52 years at that point of time, accordingly submitted that considering the age of the accused being more than 65 years, accordingly prayed that the sentence imposed on the accused may be reduced to meet the ends of justice.

9. Considering the fact that the accident had taken place nearly 13 years ago and also the fact that the accused is aged about more than 65 years as at present, in all, I am of the considered view that the sentence imposed on the accused could be modified to five months instead of six months as determined by the Courts below.



10. In the light of the abovesaid discussions, the conviction of the revision petitioner/accused by the Courts below under Sections 279 and 304-A I.P.C. is sustained and the sentence imposed on the accused by the Courts below is modified and he is sentenced to undergo simple imprisonment for five months under Section 304-A I.P.C.

11. The Criminal Revision Petition is accordingly allowed in part. The Trial Court is directed to secure the presence of the accused and commit him to prison to undergo the sentence imposed on him as per law.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To:

- 1.The Judicial Magistrate No.VII,
Coimbatore
- 2.The Chief Judicial Magistrate,
Coimbatore.
- 3.The Additional District and Sessions Judge,
Coimbatore.
- 4.The Inspector of Police,
Madukkarai Police Station,
Coimbatore District,
Crime No.21 of 2007
- 5.The Public Prosecutor,
High Court, Madras.

Pre-delivery Judgment in
Cr1.RC.No.1616 of 2013

SR(CO)
RN(13/07/2020)