

Bail Slip

The Petitioner/Accused Viz., Murugesan aged 60 Years S/o Duraisamy was directed to be released on bail vide order in CrI.M.P. No.1 of 2014 in CrI.R.C.No.332/2014 dated 03/04/2014.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2020

CORAM

THE HONOURABLE MR. JUSTICE T.RAVINDRAN

CrI RC.No.332 of 2014

Murugesan

...Petitioner/Accused

Vs.

State represented by
The Sub-Inspector of Police
Kurusilapattu Police Station
Kurusilapattu
Vaniyambadi Taluk
Vellore District.

...Respondent/Complainant

Prayer:

Criminal Revision filed under Section 397 read with Section 401 of the Criminal Procedure Code against the order of conviction passed in Criminal Appeal No.16 of 2012, dated 28.02.2013 on the file of III Additional Sessions Court, Vellore @ Tirupattur, Vellore District, confirming the order passed in C.C.No.54 of 2010, dated 22.06.2012 on the file of Judicial Magistrate No.III, Tirupattur, Vellore District.

For Petitioner : Mr. PA. Sudesh Kumar

For Respondent : Ms. S. Thankira
Government Advocate (CrI. Side)

ORDER

The final report has been laid against the accused by the respondent police under Section 304-A of IPC.

2. Briefly stated, according to the prosecution, on 23.12.2009, at about 7.30 a.m., when the deceased Loganathan was

engaged in the labour work of cutting and removing the branches of teak trees in the Mango farm of the accused, he came into contact with the high power electrical cable passing in the land and on account of the same, he suffered electric shock and resultantly died and inasmuch as the accused had not endeavoured to disconnect the electricity supply in the cable line passing through his farm, according to the prosecution, the accused has committed the offence punishable under Section 304-A IPC.

3. To sustain the prosecution case, P.Ws.1 to 16 were examined and Exs.P1 to P9. No M.O. was marked. After the conclusion of the prosecution evidence, the accused was examined under Section 313 of Cr.PC, qua the incriminating evidence tendered against him by the prosecution witnesses and the accused had denied the same. On the side of the accused, no oral and documentary evidence had been marked.

4. On an appreciation of the materials placed on record, both oral and documentary, the trial Court convicted the accused for the offence punishable under Section 304-A IPC and sentenced him to pay a fine of Rs.2,000/-, in default, to undergo simple imprisonment for six months. The appeal preferred by the accused ended in dismissal. Challenging the same, the present Criminal Revision has been preferred.

5. From the materials placed on record, it is found that on the relevant date, i.e. on 23.12.2009, the deceased and the others were engaged in the labour work in the mango farm of the accused. The same could be gathered from the evidence of P.Ws.7, 10 and 11 and therefore, the prosecution, has established the factum of the deceased engaged in the labour work in the accused farm on the relevant date. As regards the electric shock sustained by the deceased, we have the evidence of P.W.5, Amudha, eye witness, who has deposed that she knew the accused and her house is situated near the accused land and while the deceased was engaged in the labour work in the farm of the accused for cleaning and cutting of the branches of teak trees, he came into contact with the electric cable passing through the land and she saw the deceased falling down from the tree to earth and further deposed that one Bakthavatchalam, who was in that spot poured water on the deceased and passed on the information to the deceased brother Saravanan and that she later came to know that the deceased had died. Similar is the evidence of the other eye witness, namely, Bakthavatchalam, examined as P.W.6 and he has also tendered evidence on the same line of P.W.5. He has deposed that on seeing the accident, he had passed on the information to the deceased brother and thereafter, a complaint had been lodged and as above pointed

out, the case has been registered against the accused and after completing the investigation, the final report has been preferred against the accused.

6. The Doctor who had examined the deceased body certified that the deceased died due to electrocution and from the evidence of the Assistant Engineer of Tamil Nadu, examined as P.W.12 (Prabhu), it is brought to light that the electricity supply to the accused land had not been snapped and thereby, the deceased came into contact with the electric wire and consequently died.

7. In the light of the abovesaid factors, when the accused had not endeavored to disconnect the electric supply passing through his land and on the other hand, proceeded to engage labourers to cut the teak trees in his land and resultantly the deceased came into contact with the live wire and sustained shock and died and thereby it is found that as held by the courts below, the accused has committed the offence punishable under Section 304-A IPC. As above pointed, the guilt of the accused has been established by the prosecution beyond reasonable doubt.

8. The accused would contend that he was not in the scene of occurrence on the fateful day and also would state that it is the deceased who had trespassed into the land and the accused had not engaged him for the labour work. However, the abovesaid contention does not merit acceptance. As held by the courts below, if really the deceased had trespassed into the land of the accused unlawfully, the accused would have taken necessary action against the deceased in the manner known to law. On the other hand, the accused had only set up the defence that a false case has been foisted against him and not given any proper explanation for sustaining the electricity passing through the cable running through his land and for not disconnecting the same while engaging the labourer to work in his land. Therefore, the abovesaid contention put forth by the accused, for disbelieving the prosecution case, has been rightly turned down by the courts below.

9. In the light of the abovesaid factors, I do not find any infirmity in the conviction and sentence imposed on the accused by the Courts below for the offence committed by him under Section 304-A IPC.

10. In conclusion, this Criminal Revision fails and is accordingly dismissed. If the accused had not complied with the sentence, the Trial Court is directed to secure the presence of the accused to undergo the sentence imposed on him as per law.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

bga

Copy to

1. The III Additional Sessions Court,
Vellore @ Tirupattur, Vellore District.
2. The Judicial Magistrate No.III,
Tirupattur, Vellore District.
3. The Principal Sessions Judge,
Vellore @ Tirupattur.
4. The Chief Judicial Magistrate,
Vellore.
5. The Public Prosecutor,
High Court, Madras.
6. The Sub Inspector of Police,
Kurusilapattu Police Station,
Kurusilapattu,
Vaniyambadi Taluk,
Vellore District.

+1cc to M/s.P.A. Sudesh Kumar, Advocate Sr.19016

Cr1 RC.No.332 of 2014

rsi[co]
srg 03/06/2020