



Bail Slip

Mohammed Sheriff Petitioner herein/Accused in C.C No.133/2006 on the file of the Chief Judicial Magistrate, Krishnagiri was released on bail by the order of this Court dated 05/08/2015 and made in CrI.M.P.No.1/15 pending on the file of this Court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date of Reserving Order 27.10.2021	Date of Pronouncing Order 10.11.2021
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CORAM

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

CrI.R.C.No.311 of 2015

Mohamed Sheriff

... Petitioner

Vs.

State by:

The Inspector of Police,
Krishnagiri Rural Circle,
Gurubarapalli Police Station.

... Respondent

PRAYER : Petition filed under Section 397(1) read with 401 of the Criminal Procedure Code, to set aside the order and judgment passed by the learned Principal District and Sessions Judge at Krishnagiri in CrI.A.No.21 of 2014 on 20.10.2014 in confirming the judgment, conviction and sentence passed on 05.04.2014 by the Chief Judicial Magistrate at Krishnagiri on the file in C.C.No.133/2006 convicting the petitioner/accused under Sections 304 A, 338 and 337 of IPC and under Section 304-A, (8 counts) and sentenced one year rigorous imprisonment for each count and fined Rs.2,000/- for each count (Total Rs.16,000/-) in default 3 months simple imprisonment, under Section 338 (7 counts) and sentenced 6 months rigorous imprisonment and fined Rs.500/- for each count (Total Rs.3,500/-) in default 3 months simple imprisonment and under Section 337(14 counts) fined Rs.500/- for each count (Total Rs.7000/-) in default 3 months simple imprisonment and the sentences are to run concurrently.



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For Petitioner : Mr. B. Nedunchezhiyan

For Respondent : Mr. S. Vinoth Kumar,
Public Prosecutor

O R D E R

The matter is heard through "Video Conference".

2. Convicted sole accused is the revision petitioner herein.

3. This criminal revision petition is filed against the judgment passed by the learned Principal District and Sessions Judge at Krishnagiri in Crl.A.No.21 of 2014 on 20.10.2014 in confirming the judgment, passed by the Chief Judicial Magistrate at Krishnagiri in C.C.No.133/2006, dated 05.04.2014 by the on the file in convicting the petitioner under Section 304A, 338 and 337 of IPC and under Section 304-A, (8 counts) and sentenced one year rigorous imprisonment for each count and fine of Rs.2,000/- for each count (Total Rs.16,000/-) in default 3 months simple imprisonment, under Section 338 (7 counts) and sentenced to undergo six months rigorous imprisonment and fine of Rs.500/- for each count (Total Rs.3500) in default three months simple imprisonment and under Section 337 (14 counts) fine of Rs.500/- for each count (Total Rs.7000) in default three months simple imprisonment and the sentences are to run concurrently.

4. After investigation, the respondent/police filed charge sheet in Crime No.660/2000, alleging that on 09.11.2000, at about 13.15 hours, when the lorry bearing Registration No.TN 29 J 2898, was coming from Bangalore to Hosur, driven rashly and negligently, dashed against the Transport bus, bearing Registration No.TN29 N 0875, which was proceeding from Hosur to Krishnagiri, whereas, the lorry coming from opposite direction, dashed against the bus with great impact, thereby, 8 persons have died on the spot, 7 persons have sustained grievous injuries and 14 persons have sustained simple injuries.

4(a) Accordingly, final report has been filed under Sections 279, 337 (14counts), 338(7counts) and 304A (8counts).

5. During trial, the persons who suffered simple



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Vehicle Report for the lorry. P.W.22/Motor Vehicle Inspector has deposed that on 09.11.2000, he has received instructions and hence, at 3.30 pm, he went to the scene of occurrence and inspected the vehicle and issued the statement of report. As per the report, wheels of the vehicles were intact.

12. The learned counsel for the petitioner trying to impress upon this Court by placing reliance upon the evidence of P.W.3. As per P.W.3s version, when the lorry found proceeding, he heard some noise after that the wheel of the lorry was detached from the vehicle and came in front of the lorry. Thereafter, the accident has occurred.

13. It remains to be stated that he is the cleaner of the lorry, whose driver has been stands charged for the accused. On perusal of the evidence of P.W.2 and P.W.1 coupled with the injured witnesses, as stated supra, it is the specific evidence that lorry has dashed against the bus. Due to the impact of the collusion, thereafter, the axle of the lorry was broken and therefore, in view of the presence of the overwhelming evidence of P.W.1 and P.W.2 coupled with the independent witnesses namely, the injured, I find that the version of P.W.3 is self serving statement to save his colleague the accused herein. Accordingly, I have no hesitation to hold that the version of P.W.3 is interested witnesses in favour of the accused and the same has to be excluded from consideration.

14 (a).In view of the presence of the independent witnesses who are injured, as many as 21 witnesses, their narration of the incident is sufficient to hold the finding rendered by Courts below is just and proper, as the same does not warrant any interference.

(b) It is a massive accident on the main road wherein, more than 8 persons have died on the spot, more than 21 persons have suffered and many are them suffered from grievous injuries. The manner of the accident as spoken to P.W.1, P.W.2 coupled with independent witnesses inspired that goes to show that the lorry driver, the revision petitioner herein, drove the lorry in a rash and negligent manner, dashed against the bus in such an enormity and negligence, whereby, the lorry and the bus are totally damaged, wherein, 8 persons have been died on the spot.

15. Accordingly, I have no hesitation to uphold the finding rendered by both the Courts below for the charge under Sections 304(A) (8 counts), 338 (7counts) 337(14 counts) and hence, the conviction laid by both the Courts below for the



above said charges are hereby confirmed.

16. On the point of quantum of sentence, both the parties heard.

17. Taking into the entirety of the circumstances, I find that one year rigorous imprisonment for each charge and fine of Rs.2,000/- for 304(A) and 6 months for 338 with fine of Rs.500 for each count cannot be termed as excessive. Besides, both the Courts below also ordered for concurrent of the sentence and hence, the same cannot be termed as excessive.

18. Accordingly, this criminal revision petition stands dismissed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

AT
To

- 1.The Inspector of Police,
Krishnagiri Rural Circle,
Gurubarapalli Police Station.
- 2.The Principal District and Sessions Judge,
Krishnagiri.
- 3.The Chief Judicial Magistrate,
Krishnagiri.
- 4.The Superintendent,
Central Prison, Vellore.
- 5.The Public Prosecutor,
High Court, Madras.

+1cc to M/s.B.Nedunchezhiyan, Advocate Sr.58579

Cr1.R.C.No.311 of 2015

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srg 30/11/2021