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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CRL.R.C.NO.1234 OF 2019

D.Rajendran

...Petitioner/Accused

Vs.

State by
The Inspector of Police,
Acharapakkam Police Station,
Kancheepuram District.
Cr.No.530 of 1997

...Respondent/Complainant

Criminal Revision case filed under Section 397 r/w 401 of Code of Criminal Procedure to call for the records of the Court of Additional District and Sessions Judge, Chengalpattu, relating to the order dated 25.06.2019 in CrI.Appeal No.85/2007 and the records relating to judgment dated 04.07.2007 in C.C.No.93 of 1998 on the file of the Judicial Magistrate, Maduranthagam examine the illegality, propriety of the same and set aside the same.

For Petitioner : Mr.G.Punniakoti - No Appearance

For Respondent : Mr.S.Sugendran,
Government Advocate (CrI.Side)

ORDER

The criminal revision case has been filed against the judgment of conviction and sentence made by the learned Judicial Magistrate, Maduranthagam, in C.C.No.93 of 1998, dated 04.07.2007 as confirmed by the learned Additional District and Sessions Judge, Additional District and Sessions Court, Chengalpattu, in C.A.No.85 of 2007 dated 25.06.2019.



2. Case of the prosecution is that on 20.07.1997 at about 5.30 a.m. near GST Road, Edayalam Bridge, the petitioner/accused driven the Lorry bearing Reg.No.TN 22 A 6696 in a rash and negligent manner following the Bus bearing Reg.No.TN 01 6184 belong to the Tamilnadu State Transport Corporation and suddenly applied break, due to which, the vehicle lost the control and toppled, in which, five persons lost their lives and some of the witnesses have sustained injuries. Hence the present case was registered against the petitioner/accused.

3. After completing investigation, the respondent police filed a charge sheet for the offence under Sections 279, 337 and 304(A) of IPC before the learned Judicial Magistrate, Maduranthagam, which was taken on file in C.C.No.93 of 1998. The learned Magistrate, after trial, found the accused guilty of offence charged against him and hence by judgment dated 04.07.2007 convicted the petitioner and imposed fine of Rs.500/-, in default, to undergo imprisonment for a period of three months for the offence under Section 279, imposed fine of Rs.300/-, in default, to undergo imprisonment for a period of one month for the offence under Section 337 and sentenced him to undergo imprisonment for a period of six months and to pay a fine of Rs.5,000/-, in default, to undergo imprisonment for a period of six months for the offence under Section 304(A). Aggrieved against the same the petitioner has filed an appeal in C.A.No.67 of 2016 and the learned Additional District and Sessions Judge, Chengalpattu, by judgment dated 25.06.2019 dismissed the appeal and confirmed the conviction and sentence made by the trial Court, against which, the petitioner is before this court with the present criminal revision.

4. When the matter was called for hearing on 18.08.2021, there was no representation on behalf of the petitioner and hence in order to give opportunity, the matter was directed to be listed today. Accordingly, today i.e. 07.09.2021, when the matter is called for hearing, even today also there is no representation on behalf of the petitioner. Since, the cause of action arose in the year 1997 and the revision is pending before this Court for more than two years, this Court decided to dispose of the matter on merits.

5. Accordingly, heard the learned Government Advocate (Crl.Side) appearing for the respondent and carefully perused the materials placed on record and also perused the judgments of both the Courts below.

6. This Court, while exercising revisional jurisdiction, cannot exercise power of the Appellate Court and this Court, being a revisional Court, cannot sit in the arm chair of



appellate Court and it has no power to re-assess the evidence and substitute its views on findings of fact.

7. On a perusal of the records, it reveal that P.Ws.1 to 4 are injured witnesses., who are eye witnesses to the occurrence, had clearly stated that the accident had occurred only due to the rash and negligent driving of the driver of the offending vehicle. P.W.14, the Doctor, who conducted autopsy on the bodies of the deceased, had opined that the deaths had occurred only due to the injuries, which was grievous in nature, sustained by them at the time of accident. The accused should have taken more care and conscious and should have reduced the speed and avoided the accident.

8. After perusing the entire documents available on record, this Court is of the view that the prosecution had proved its case beyond all reasonable doubts. The lower appellate Court, as a final Court of fact finding, had re-appreciated entire evidences on record and come to the conclusion, that the accident had occurred only due to rash and negligent driving of the driver of the offending vehicle and hence confirmed the conviction and sentence made by the trial Court, in which this Court does not find any reason to take a different view.

9. In the result, the criminal revision case is dismissed. Trial Court is directed to secure the petitioner/accused to undergo remaining period of imprisonment, if any.

Sd/-
Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

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To

1. The Additional District and Sessions Judge, Chengalpattu.
2. The Judicial Magistrate, Maduranthagam.
3. The Inspector of Police, Acharapakkam Police Station, Kancheepuram District.
4. The Public Prosecutor, High Court of Madras.

Cr1.R.C.No.1234 of 2019

RLD(CO)
RLP(27/09/2021)