

**BAIL SLIP**

The Revision Petitioner/Accused Viz; Rajamohan, S/o. Narayanasamy was released on bail vide order dated 20/04/2016 made in CRL.MP(MD). 3145&3146 /2016 in CRL.RC.(MD).243/2016 on the file of this Court.

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**DATED : 10.02.2021**

CORAM :

THE HONOURABLE MRS.JUSTICE S.ANANTHI**Crl.RC(MD)No. 243 of 2016**

Rajamohan

...Petitioner/Appellant/Accused
Vs.The Inspector of Police,
Pasupathipalayam Police Station,
Karur District.

(In Crime no. 364 of 2011) ... Respondent/Respondent/Complainant

PRAYER: Criminal Revision filed under Section 397 r/w 401 of the Criminal Procedure Code, to call for the records and to allow the revision and set aside the conviction and sentence dated 10.03.2016 made in C.A. No. 10 of 2016 on the file of the learned Sessions Judge, Fast Track Mahila Court, Karur, confirming the conviction and modifying the sentence imposed in the Judgment, dated 25.01.2016 in C.C. No.51 of 2013 on the file of the learned Judicial Magistrate No.I, Karur.

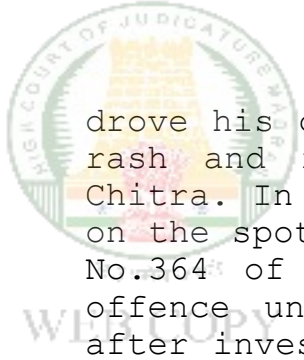
For Appellant : Mr.N. Anand Kumar
For Respondent : Mrs.M. Anantha Devi,
Government Advocate (crl. side)

ORDER

This Criminal Revision Case is filed by the petitioner/sole accused as against the conviction and sentence passed by the learned Judicial Magistrate No.I, Karur, in C.C.No.51 of 2013, dated 25.01.2016, confirmed by the learned Sessions Judge, Fast Track Mahila Court, Karur, in C.A.No.10 of 2016, dated 10.03.2016.

2. The revision petitioner was tried for the offence under Section 304(A) IPC before the learned Judicial Magistrate No.I, Karur and the trial Court, in conclusion of the trial, found him guilty, convicted and sentenced to undergo simple imprisonment for One year and to pay a fine of Rs.500/-, in default, to undergo simple imprisonment for six months for the offence he was stood charged. The petitioner preferred an appeal before the Court of Sessions and the same was taken in C.A.No. 10 of 2016 and the same was modified by order, dated 10.03.2016 by the learned Sessions Judge, Karur, modifying the conviction and sentence imposed by the trial Court. Aggrieved by the orders of the Courts below, the petitioner has preferred this revision case.

3. The brief fact of the case is that on 30.05.2011, at about 03.20 p.m. in Pasupathipalayam police jurisdiction, Trichy - Karur main road, near Jesus medical shop, Gandhigram, when the deceased Chitra wife of Manoharan was waiting for bus, the petitioner/accused



drove his car bearing regn. No. TN-47-U-7980 from east to west in a rash and negligent manner and dashed against the deceased said Chitra. In the said accident, the victim sustained injuries and died on the spot. Based on the complaint given by PW1, the case in Crime No.364 of 2011 was registered by the respondent Police for the offence under Section 304(A) of the IPC. The respondent Police, after investigation, has filed the final report and both the Courts below have convicted the petitioner/accused as stated supra.

4. The criminal revision case has been filed on the ground that the Court below failed to see that the presence of P.W.1 in the place of occurrence itself is doubtful and he improved his version at the time of chief examination regarding the reasons for his presence. The Court below failed to see that there is no thatched pandhal in the place of occurrence as per the sketch and observation mahazar, which totally in contravention to the case of the prosecution and which affects the roots of the prosecution case. The Court below failed to see that there are lot of contradictions to the case of the prosecution and the deposition of the P.W.1 who claimed himself as the eye witness to the case of the prosecution and he is an interested witness too. The court below failed to see that the evidences of P.W5 & P.W.6 clearly shows that P.W.1 could not present in the scene of occurrence. He prayed to allow the Criminal Revision Case.

5. Per contra, the learned Government Advocate (Crl. Side) submitted that the defence taken by the petitioner/accused is not acceptable and therefore, she prays for dismissal.

6. The learned counsel for the petitioner submitted that the petitioner is a senior citizen who is aged above 64 years. He prays to considering the age of the petitioner/accused and set aside the Judgement of the Court below.

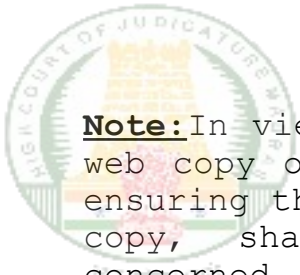
7. This Court paid it's anxious consideration to the rival submissions and also to the materials placed on record.

8. Without going into the merits of the case and considering the age of the petitioner, this Criminal Revision Case is partly allowed and set aside the conviction and sentence of imprisonment passed by the learned Judicial Magistrate No.I, Karur, in C.C.No.51 of 2013, dated 25.01.2016, modified by the learned Sessions Judge, Fast Track Mahila Court, Karur, in C.A.No.10 of 2016, dated 10.03.2016 and confirmed the order of the fine amount.

Sd/-

Assistant Registrar (Records)

// True Copy //



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

WEB COPY

To

1. The Sessions Judge, Fast Track Mahila Court, Karur.
2. The Judicial Magistrate No.I, Karur.
3. Do-Thro The Chief judicial Magistrate, Karur.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
5. The Inspector of Police,
Pasupathipalayam Police Station,
Karur District.
6. The Section Officer, Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

Crl.RC (MD) No.243 of 2016
10.02.2021

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