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CRL.R.C.No.284 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

CRL.R.C.No.284 of 2018
and CrI.M.P.Nos.3255 & 4401 of 2018

M.Muniyappan

... Petitioner

Vs.

The State by
The Inspector of Police,
Gurubarapalli Police Station,
Krishnagiri.

(Crime No.245 of 2015)

... Respondent

Prayer: The Criminal Revision case filed under Section 397 r/w 401 of Cr.P.C. praying to set aside the judgment made in CrI.A.No.35 of 2017 on the file of the Principal Sessions Judge, Krishnagiri, dated 13.12.2017 against the judgment made in C.C.No.141 of 2015 on the file of the Judicial Magistrate II, Krishnagiri, dated 09.06.2017.

For Petitioner : Ms.S.Sofia Madhavi
for Mr.R.Dhineshkumar

For Respondent : Mr.A.Gopinath
Government Advocate (CrI. Side)

ORDER

This Criminal Revision is arising out of the judgment passed in C.A.No.35 of 2017 dated 13.12.2017 on the file of the Principal Sessions



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Judge, Krishnagiri, thereby conforming the judgment passed in C.C.No.141 of 2015 on the file of the Judicial Magistrate II, Krishnagiri, dated 09.06.2017 thereby convicted the petitioner for the offence under Sections 279 and 304(A) IPC.

2. The case of the prosecution is that on 30.06.2015 at about 6:00 p.m., the petitioner had driven a TATA Ace vehicle bearing Registration No.TN-24-Q-1892 near Jaganathapuram Village, in a rash and negligent manner and dashed against a two wheeler, in which one Shanmugam was coming from Jaganathapuram to Chinnakothur, he sustained grievous injuries and died. Hence the complaint. Thereafter, on the said complaint, the respondent registered FIR in Crime No.245 of 2015 for the offence under Sections 279 and 304(A) IPC and after completion of investigation the respondent filed final report and the same has been taken cognizance by the trial Court in C.C.No.141 of 2015 for the offence under Sections 279 and 304(A) IPC.

3. On the side of the prosecution they examined PWs 1 to 10 and marked Exs.P1 to 7 and on the side of the petitioner no one was examined and no document was marked as exhibits.



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4. On perusal of oral and documentary evidence, the trial Court found the petitioner guilty for the offence under Sections 279 and 304(A) IPC and sentenced him to undergo eight months rigorous imprisonment and one year rigorous imprisonment and fine of Rs.1000/- in default one month simple imprisonment. Aggrieved by the same, the petitioner preferred an appeal and the same was dismissed and confirmed the judgment passed by the trial Court.

5. Though the revision case was posted before this Court on more than twelve hearings, either at the request of the petitioner or on account of the fact that there was no representation for the petitioner, it was repeatedly adjourned and the suspension of sentence petition is not even ordered. Even then the petitioner failed to surrender where he has undergoing the sentence. The respondent also did not take any steps to secure the petitioner to undergo the sentence period. Further, this revision is pending for more than four years and no steps have been taken to list it for admission and for suspension of sentence imposed by the Court below.

6. That apart, PW1, the wife of the victim, is the eye witness, she deposed that on 30.06.2015 she heard that due to accident her husband sustained grievous injuries and died. PW2, an another eye witness was



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examined as PW2, he deposed that the accident occurred in Jaganathapuram village, only due to rash and negligent driving of the petitioner. He also deposed that the petitioner drove the vehicle in a high speed manner and also in a rash and negligent manner and dashed against the two wheeler and the deceased died. It is also corroborated by PW3, according to whom, the petitioner drove the vehicle in an opposite direction and dashed against the deceased. The motor vehicle inspection report was marked as Ex.P5, it revealed that the said accident had not happened due to any mechanical fault. Therefore, it is confirmed that the said accident took place only on the rash and negligent driving of the petitioner. Therefore, the Courts below rightly convicted the petitioner for the offence under Section 279 and 304(A) IPC, this Court finds no infirmity or illegality in the order passed by the Courts below.

7. Accordingly, the criminal revision case stands dismissed. The respondent is directed to secure the petitioner and proceed further to undergo the sentence imposed by the trial Court. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No

Speaking / Non Speaking order



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To

- 1.The Sub-Registrar,
Registration Department,
Government of Tamilnadu,
Vellore,
Vellore District.
- 2.The Superintendent of Police,
O/o Superintendent of Police,
Vellore,
Vellore District.
- 3.The Station House Officer,
Ariyur Police Station, Ariyur,
Malaikodi, Vellore.
- 4.The Judicial Magistrate I,
Vellore, Vellore District.



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G.K.ILANTHIRAIYAN, J.
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