



Crl.R.C.No.1300 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

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Karunanidhi,
S/o.Venugopal

... Petitioner

Versus

State by
Inspector of Police,
Arcot Town Police Station,
Vellore Dt.
(Crime No.777 of 2007)

... Respondent

PRAYER : Criminal Revision Case filed under Section 397 and 401 of the Code of Criminal Procedure, to call for the records relating to the conviction imposed in the judgment dated 30.10.2014 made in C.A.No.297 of 2010 on the file of the learned II Addl. District and Sessions Court, Ranipet confirming the conviction imposed in the judgment dated 08.12.2010 made in C.C.No. 141 of 2008 on the file of learned District Magistrate cum Judicial Magistrate, Arcot and to set aside the same.



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For Petitioner : Mr.N.Manokaran
For Respondent : Mr.R.Kishore Kumar
Govt. Advocate (Crl. Side)

ORDER

The revision petitioner is the accused in C.C.No. 140 of 2008 based upon the F.I.R. lodged by the respondent police in Crime No.777 of 2007 for the alleged offence under Sec.279 and 304 (A) I.P.C. on the basis of complaint given by one K.Krishnamoorthy, driver of lorry bearing Regn. No. TSH -1949.

2. According to prosecution, the petitioner, being driver of bus bearing Regn. No. TN-32 N 2786 in route No.505 driven by him in a rash and negligent manner and dashed against the backside of the milk lorry. Due to that, the conductor, who was sitting in the front seat of the bus sustained injuries and succumbed to death on 20.12.2007. Based upon that, the F.I.R. was lodged and he was prosecuted in C.C.No. 141 of 2008 on the file of District Munsif cum Judicial Magistrate, Arcot and the



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prosecution proved the charges against the accused by examining the eye-witnesses in order to prove the negligent act of the petitioner. On relying the oral and documentary evidence, the trial court sentenced him to undergo one year 3 months simple imprisonment for the alleged offence under Sec.304-A I.P.C. Challenging the said conviction, he preferred a criminal appeal in C.A. No. 297 of 2010 on the file of Addl. District and Sessions Court, Coimbatore, wherein the appellate judge independently analysed the evidence on record and documents, concludes that there is a rash and negligent act on the part of the petitioner and confirmed the findings of the trial judge. Challenging the concurrent findings, the petitioner/accused preferred this Criminal Revision Petition.

3. The learned counsel for revision petitioner submitted that there is absolutely no material to show that the petitioner's act was either rash or negligent and mere driving the vehicle in a high speed as alleged by the respondent police is not sufficient to prove the offence under Sec.304(A), besides there is no independent evidence to corroborate the evidence of P.W.1 and the F.I.R. also cannot be used as a substantiated evidence. But,



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the courts below failed to appreciate all these legal aspects, erroneously convicted the accused, as such, is not maintainable and prayed to set aside the findings.

4. By way of reply, the learned Government Advocate (Crl. Side) submitted that at the time of alleged accident, being a transport driver, the petitioner driving the vehicle in a rash and negligent manner and dashed against the back side of milk lorry and caused the accident. At that time, the conductor, who was sitting in the front side of bus crushed to death and the same was proved by examining eye-witnesses as well as M.V. Report and proved the evidence beyond reasonable doubt, which needs no interference by this court.

5. Considering both side submissions and on perusal of records, it reveals that the petitioner herein is the driver of transport bus and on the date of alleged accident, he driven the vehicle when the conductor is sitting in the front side of the bus. As per the prosecution, he driven the vehicle in a rash and negligent manner and dashed against the back side



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of milk lorry, thereby the accident was occurred. To prove the said accident, the driver of milk lorry was examined as P.W.1. Admittedly, he stated that on hearing the noise, he get down from the lorry and seeing that the accident was happened and the conductor was succumbed to death. Apart from that, the lorry also lost the control and get down on the left side of the pit. So, immediately after the accident, the driver of vehicle, who is in the scene of occurrence, was examined as P.W.1 to prove the occurrence. Furthermore, on seeing the damages caused to both vehicles, M.V. Report of both vehicles are marked as Ex.P3 and P4 and witness P.W.8 has clearly stated that due to the said accident, front side of bus was damaged as well as back side of milk lorry was also severely damaged and mahazar witness P.W.8 also reveals the place of occurrence and after that accident, how the vehicles were found place in the occurrence place. Even though no other independent witness, P.W.1 was examined on the side of prosecution, but as rightly pointed out by the respondent, he is a right person to speak about the occurrence, because the driver of bus dashed against milk lorry, who driven the vehicle at the time of alleged occurrence. Hence, the prosecution proved the negligent



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act of the driver through P.W.1 and Ex.P3 and 4 and the same was rightly appreciated by the courts below, which needs no interference.

6. On considering the facts and circumstances, the courts below convicted the accused to undergo one year simple imprisonment, but at that time, the learned counsel for petitioner submitted that now the driver was retired, but he faced disciplinary proceedings and suffered with other ailments. Hence, he prayed to modify the sentence. Considering the said circumstances, this court is inclined to modify the sentence from the period of one year to the period of three months. Accordingly, this Criminal Revision Petition is allowed.

19.10.2022

Index: Yes/No

Internet: Yes/No

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To

1. Inspector of Police,
Arcot Town Police Station, Vellore Dt.

2. The Public Prosecutor,
High Court, Madras.



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T.V. THAMILSELVI, J.

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