



CrI.RC.No.1182 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2023

CORAM:

THE HON'BLE MR. JUSTICE P.VELMURUGAN

CrI.RC.No.1182 of 2020

Mr.Saravanan

...Petitioner

Vs.

State Rep. by
Inspector of Police,
Velgoundampatti Police Station,
Namakkal District.

...Respondent

Prayer: Criminal Revision filed under Sections 397 & 401 of Criminal Procedure Code, against the judgment and sentence passed by the learned Principal District and Sessions Judge, Namakkal dated 13.01.2020 in C.A.No.34 of 2019 by confirming the judgment and sentence passed by the learned Judicial Magistrate, Namakkal, convicting the accused dated 29.07.2019 in C.C.No.339 of 2014 under section 304(A) of IPC to undergo sentence for a period of one year rigorous imprisonment and to pay fine of Rs.5,000/-.



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For Petitioner : Mr.T.M.Ramalingam
for M/s.Om Sai Ram

For Respondent : Mr.R.Murthi
Government Advocate (Crl.Side)

ORDER

The respondent Police registered a case against the petitioner in Crime No.88 of 2012 for the offences under Sections 279, 337, 338 and 304(A) of I.P.C. After trial, the accused is found guilty under Section 304(A) I.P.C., and the accused is convicted and sentenced to undergo simple imprisonment for one year and also to pay a fine of Rs.5,000/-.

2.Challenging the said judgment of conviction and sentence, the petitioner herein filed an appeal before the learned Principal District and Sessions Judge, Namakkal in Crl.A.No.34 of 2019. Learned Judge after considering, dismissed the appeal and confirming conviction and sentence passed by the learned Magistrate in C.C.No.339 of 2014 dated 29.07.2019.

3.Aggrieved over the same, the accused has filed this present revision before this Court.

4.Learned counsel for the petitioner would submit that there is a hit



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on collusion between the petitioner vehicle and the defacto complainant vehicle viz., Boliro bearing Registration No.TN 28 G 0282 and the petitioner vehicle Maxi Cab bearing Registration No.TN 47 R 4730 and he would submit that when the petitioner vehicle goes in proper way at that time, the former Minister passed through the Police Escort vehicle came with exceed speed and due to the tyre burst and hit on the vehicle of the petitioner and that the accident had not taken place due to rash and negligence driving of the petitioner. It is only due to the over speed of the Police Escort vehicle and bursting of the tyre and they hit. Even the Motor Vehicle Inspector who also clearly stated that the accident had not taken due to the mechanical defect of the vehicle and he has also found that one of the tyres of the Police Escort vehicle was burst and due to the tyre burst there is a possibility of causing accident and therefore, the Trial Court as well as the Appellate Court has failed to appreciate the evidence and consider the fact. Therefore, he prays to allow the Revision.

5.Learned Government Advocate (Criminal Side) would submit that the accident had taken place due to the rash and negligence of the petitioner vehicle Maxi Cab bearing Registration No.TN 47 R 4730 and the Trial Court as well as the Appellate Court has rightly appreciated the



evidence from the eye witnesses and therefore, there is no merit in the
Revision.

6.Heard learned counsel for the petitioner and learned Government Advocate (Criminal Side) for the respondent and perused the records.

7.Admittedly, the case was registered under Sections 279, 337, 338 and 304(A) of I.P.C. Admittedly, it conviction was granted under Section 304(A) alone. There was no finding with reference to the other offences and the Appellate Court has also confirmed the same. Admittedly, in this case the opposite vehicle and the defacto complainant vehicle which is a Police Escort vehicle were hit on collusion. From the evidence of the Motor Vehicle Inspector/P.W.14 and the Report of the Motor Vehicle Inspector, Ex.3 and Ex.4 are clearly proved that one of the tyres of the Police Escort vehicle was burst and the pressure of the same also there is a possibility of causing accident. Both the Courts have failed to appreciate the same. Further, since the opposite vehicle is a Police Escort vehicle, the respondent Police might have influenced on the Department in order to crunches of law to safeguard the driver of the Police Escort Vehicle. Both the Court have failed to appreciate the



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evidence and also failed to extent the benefit of doubt. This Court finds that the prosecution failed to prove the case beyond reasonable doubt.

Therefore, it creates a reasonable doubt after considering the Report of the Motor Vehicle Inspector that there is a possibility of other views that the tyres of the Police Escort vehicle was burst and due to the pressure of same also there is a possibility of causing accident and therefore, this Court extends benefit of doubt to the accused/petitioner and therefore, the judgment of the both Courts are set aside.

8.With the above observations, this Criminal Revision is Allowed and if any fine amount is paid, the same may be refunded.

10.01.2023

Index: Yes/No
Speaking Order/Non-Speaking Order
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P.VELMURUGAN, J.

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To

- 1.The Principal District and Sessions Judge, Namakkal.
- 2.The Judicial Magistrate, Namakkal.
- 3.The Public Prosecutor, Madras High Court, Chennai.
- 4.The Inspector of Police, Velgoundampatti Police Station,
Namakkal District.

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