



Crl.RC No.25 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 19.11.2024

PRONOUNCED ON : 02.12.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.25 of 2023

Naveenkumar

... Petitioner/sole accused

Vs.

State by

The Inspector of Police,
Bhuvanagiri Police Station,
Cuddalore District.

... Respondent /
Complainant

PRAYER: Criminal Revision Case filed under Sections 438 r/w 442 of the BNSS, to call for the records on the file of the II Additional District Sessions Court, Chidambaram, Cuddalore District in Crl.A.No.15 of 2020 by judgment dated 20.09.2022 and confirming the judgment and sentence passed by the learned Assistant Sessions Judge, Chidambaram, Cuddalore District in S.C.No.79 of 2015 dated 19.11.2020 and set aside the judgment dated 20.09.2022.

For Petitioner : Mr.V.Parthiban
for Mr.E.Kannadasan

For Respondent : Dr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER

The Criminal Revision Case has been filed challenging the



judgment dated 20.09.2022 made in Crl.A.No.15 of 2020 on the file of the II Additional District Sessions Court, Chidambaram, Cuddalore District, confirming the judgment of conviction and sentence passed by the learned Assistant Sessions Judge, Chidambaram, Cuddalore District in S.C.No.79 of 2015 dated 19.11.2020.

2. It is the case of the prosecution that on 31.08.2013 at about 9p.m., when PW2 and PW3 were standing near the house of PW4, the petitioner/accused in an inebriated condition came in a two wheeler and almost hit the witnesses with his two wheeler, as a result of which, a wordy quarrel ensued between the witnesses and the petitioner/accused; that since the petitioner/accused was offended, he is said to have challenged the witnesses stating that he would bring his car and kill those witnesses; that the petitioner/accused thereafter brought his car and when PW1, PW6, PW7 and PW10 were standing, he drove the car into the witnesses causing grievous injuries to PW6 and PW7 and simple injuries to PW1 and PW10.

3. On the complaint given by one of the victims, a case was registered against the petitioner/accused for offences under Sections 279,



323, 325, 307 of the IPC and Section 185 of the Motor Vehicles Act.

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4. The case was investigated by PW17 and a final report was filed against the petitioner/accused for the offences under Section 185 of the Motor Vehicles Act and Sections 279, 323, 325 and 307 of the IPC. The prosecution had examined 17 witnesses and marked Ex.P1 to Ex.P15 besides M.O.1.

5. The trial Court after examining all the witnesses found the petitioner guilty of the offences under Sections 325 (2 counts), 323 (2 counts), 307 (2) counts and under Section 279 of the IPC and convicted and sentenced them as follows:

Offence under Section	Sentence imposed
279 IPC	To pay a fine of Rs.1,000/- in default to undergo SI for two months.
323 IPC (2 counts)	To pay a fine of Rs.1,000/- in default to undergo SI for three months for each count.
325 IPC (2 counts)	To undergo RI for three years and to pay a fine of Rs.1,500/- in default to undergo SI for six months for each count.
307 IPC (2 counts)	To undergo RI for four years and to pay a fine of Rs.2,000/- in default to undergo SI for six months for each count.
The sentences were directed to run concurrently.	



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6. The appellate Court confirmed the conviction and sentence imposed by the trial Court.

7. The learned counsel for the petitioner/accused would submit that there is no connection with the first incident and the second incident and that in the first incident, PW2, PW3 and PW4 were involved and therefore, the prosecution case that because of that first incident viz, of a quarrel with PW2, PW3 and PW4 the petitioner had caused injury to PW1, PW6, PW7 and PW10 is unbelievable; that the petitioner has been falsely implicated and a case of accident has been projected as a case under Section 307 of the IPC.

8. Heard the learned Government Advocate (Criminal Side), who submitted that the judgment of the Courts below are based on evidence and do not want any interference in this revision.

9. PW1, PW6, PW7 and PW10 were injured eyewitnesses and they have all stated that they came to know that the petitioner had a quarrel with PW2, PW3 and PW4 and being their friends, they came to enquire and that they saw the accused going away; that thereafter the petitioner



brought a car and rammed it into them, them causing injuries to all of them. PW2, PW3 and PW4 had also spoken about the second accident when PW1, PW6, PW7 and PW10 were injured. All the witnesses had supported the prosecution and nothing has been elicited in the cross examination to disbelieve their version. The medical evidence also supports the version of the injured eyewitnesses and the other eyewitnesses to show that the victims had sustained injuries due to the act of the petitioner/accused. The doctor PW11 who had treated the injured witnesses had opined that the injury caused to PW6 and PW7 are grievous in nature and PW1 and PW10 had sustained simple injuries. The Courts below had also considered the evidence of the Motor Vehicles Inspector who had found that the car was damaged in the front portion.

10. The reading of the judgments of the Courts below would show that on the evidence of the injured witnesses and the other evidence on record, the Courts had rightly found the petitioner guilty of the offences charged. This Court finds no infirmity in the judgment of the Courts below so as to warrant interference in a revision.



11. However, considering the age of the petitioner/accused, this Court is of the view that the sentence imposed on the petitioner for the offences under Sections 307 and 325 of the IPC, may be reduced and the petitioner can be directed to pay substantial fine.

12. Accordingly, the finding of guilt rendered by the Courts below are confirmed. The Criminal Revision Case stands partly allowed and the sentence imposed on the petitioner/accused is modified as follows:

(i) For the offence under Section 307 of the IPC (2 counts), the petitioner/accused is sentenced to undergo rigorous imprisonment for two years and to pay a fine of Rs.25,000/-, in default to undergo simple imprisonment for three months, for each count;

(ii) For the offence under Section 325 of the IPC (2 counts), the petitioner/accused is sentenced to undergo rigorous imprisonment for one year and to pay a fine of Rs.25,000/- in default to undergo simple imprisonment for three months, for each count;

(iii) The conviction and sentence with regard to the offence under Sections 279 and 323 (2 counts) of the IPC,



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imposed by the Courts below is confirmed;

(iv) The sentences shall run concurrently;

(v) It is directed that the period of sentence already undergone by the petitioner shall be set off under Section 428 Cr.P.C.;

(vi) On payment of fine, which totals upto Rs.1,00,000/- compensation can be paid to the victims from out of the fine in the following manner.

(a) Rs.30,000/- each to PW6 and PW7, who suffered grievous injuries.

(b) Rs.15,000/- each to PW1 and PW10, who suffered simple injuries.

(vii) The respondent shall secure the petitioner/accused whose sentence was suspended by this Court on 06.01.2023 and commit him to prison to undergo the remaining period of sentence, as imposed by this Court.

02.12.2024

Index: Yes/No

Speaking/Non-speaking order

Neutral citation: Yes/No.



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SUNDER MOHAN, J.

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To

1. The II Additional District Sessions Court,
Chidambaram, Cuddalore District.
2. The Assistant Sessions Judge,
Chidambaram, Cuddalore District
3. The Inspector of Police,
Bhuvanagiri Police Station,
Cuddalore District.
4. The Public Prosecutor,
High Court, Madras.

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