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Crl.R.C.No.1434 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2024

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1434 of 2024

S.Ranjith Kumar

... Petitioner

Vs.

1.The State by Inspector of Police,
TIW East, Coimbatore.
Crime No.821 of 2017.

2.S.Krishnaveni

3.S.Harish

... Respondents

PRAYER: Criminal Revision Petition filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the order in C.M.P.No.4736 of 2023 in C.A.No.150 of 2022 on the file of the Principal District and Sessions Court, Coimbatore and call for the records and set aside the same by allowing this criminal revision petition.

For Petitioner : Mr.P.Marudhupandian

For R1 : Mr.A.Damodaran,
Additional Public Prosecutor



ORDER

The petitioner was convicted by the learned Judicial Magistrate No.VIII, Coimbatore (Trial Court) *vide* judgment, dated 22.11.2022 in C.C.No.139 of 2018 and sentenced to undergo one year Simple Imprisonment and to pay a fine of Rs.5,000/- in default to undergo two weeks Simple Imprisonment for offence under Section 304(A) IPC and imposed a fine of Rs.1,000/-, in default to undergo two weeks Simple Imprisonment for offence under Section 279 IPC. Challenging the same, the petitioner preferred an appeal before the learned I Additional District Judge, Coimbatore (Lower Appellate Court) in Crl.A.No.150 of 2022. During the pendency of appeal, the petitioner/accused approached the defacto complainant/2nd respondent and her son/3rd respondent to compensate for the accident without prejudice to his rights on appeal. The respondents 2 and 3 on their own had filed compromise memo seeking to compound the case and also filed petition under Section 320 Cr.P.C before the Lower Appellate Court. The Lower Appellate Court dismissed the said petition *vide* impugned order, dated 25.03.2024 recording that the offence under Sections 279 & 304(A) IPC are not compoundable. Aggrieved over the same, the present criminal revision case is filed.

2.The learned Additional Public Prosecutor appearing for the 1st



respondent Police submitted that it is a case of road accident, on 19.12.2017, the petitioner had driven two wheeler bearing Reg.No.TN-59-AK-9279 in a rash and negligent manner and caused the accident. Due to which, FIR in Crime No.821 of 2017 for offence under Section 279 and 304(A) IPC registered against the petitioner. Later the case transferred to the file of the Traffic Investigation Wing (East), Coimbatore. After the death of injured victim, offence altered to Sections 279 and 304(A) IPC, charge sheet filed before the Trial Court and taken on file as C.C.No.139 of 2018. On conclusion of trial, the Trial Court convicted the petitioner as stated above and during the pendency of the appeal, petition under Section 320 Cr.P.C filed by the respondents 2 and 3 who are legal heirs of the deceased. This petition was dismissed rightly for the reason that offence under Sections 279 and 304(A) IPC are not compoundable. He further submitted that if such petitions are encourage, all offences would be attempted to be compounded by paying money failing to consider the offence committed is against the society.

3.Considering the submissions and on perusal of materials, this Court finds that the offence under Sections 279 and 304(A) IPC are not compoundable and the Lower Court Appellate had rightly dismissed the petition under Section 320 Cr.P.C.



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4. In view of the above, this Court is not inclined to interfere with the impugned order, dated 25.03.2024 in Crl.M.P.No.4736 of 2023 in Crl.A.No.150 of 2022 passed by the learned I Additional District Judge, Coimbatore and the same is hereby confirmed. Accordingly, this criminal revision case is dismissed. The Lower Appellate Court to decide the appeal in Crl.A.No.150 of 2022 on its own merits in accordance with law.

10.09.2024

Speaking Order/Non Speaking Order

Index : Yes/No

Internet : Yes/No

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To

1. The Principal District and Sessions Judge,
Coimbatore.

2. The Inspector of Police,
TIW East, Coimbatore.

3. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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