



Crl.R.C.No.80 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 13.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

Crl.R.C.No.80 of 2024

Mohanraj

... Petitioner

Vs.

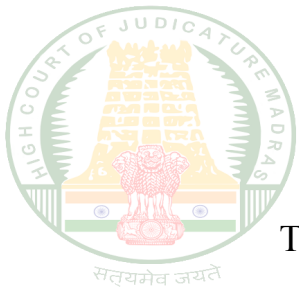
The State Rep. by
The Inspector of Police,
Tiruchengode Rural Police Station,
Namakkal District.
(Crime No. 384 of 2016)

... Respondent

PRAYER: Criminal Revision Case has been filed under Section 397 r/w 401 of Code of Criminal Procedure, to set aside the judgment passed in Crl.Appeal No. 54 of 2022 dated 30.11.2023 by the learned II Additional District and Sessions Judge, Namakkal at Tiruchengode, whereby confirmed the Judgement passed by the learned Judicial Magistrate, Tiruchengode in C.C.No. 213 of 2018 dated 16.06.2022.

For Petitioner	: Mr.S.Selvaraj
For Respondent	: Mr.J.Subbiah Government Advocate

ORDER



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This criminal revision is filed challenging the judgment of the II Additional District and Sessions Judge, Namakkal at Tiruchengode, dated 30.11.2023, made in Criminal Appeal No. 54 of 2022.

2. By the judgment in Crl.A.No.54 of 2022, the conviction and sentence imposed on the accused by the learned Judicial Magistrate, Tiruchengode, in C.C. No. 213 of 2018 dated 16.06.2022 was confirmed. By the said judgment, the trial Court found the petitioner/accused guilty of an offence under Section 304(A) of the Indian Penal Code and sentenced him to undergo simple imprisonment for a period of two years, and to pay a fine of Rs.5,000/-, and in default, to undergo simple imprisonment for a period of one month; and for the offence under Section 279 of IPC, to pay a fine of Rs.1,000/-, and in default, to undergo simple imprisonment for a period of one month; and for an offence under Section 337 IPC, to pay a fine of Rs.500/-, and in default, to undergo simple imprisonment for a period of one month.

3. Upon considering the case of the prosecution, it can be seen that on 18.08.2006, at about 17:45 hrs, the accused was driving a private bus by name “Cheran”, bearing registration No. TN 34 V 6499, and drove the same at high speed. At that time, it was drizzling and thereby he lost control and the bus

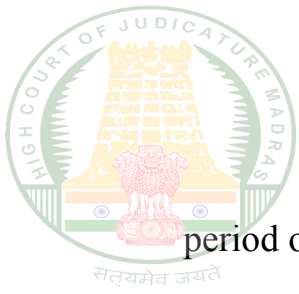


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veered onto the right side of the road and hit one *Thirunavukarasu*, who was standing on the road margin after parking his two-wheeler. He succumbed to the injuries. Apart from this, one of the passengers on the bus, PW6, *Janani* was also injured. Accordingly, the petitioner was charged.

4. When the case was taken on file, the accused denied the allegations and stood trial. The prosecution examined P.W.1 to P.W.10 and marked Exhibits P1 to P9. Thereafter, no evidence was let in on behalf of the defence. The trial Court, after appreciation of evidence, found the accused guilty of the aforementioned offences and sentenced him as above, which was confirmed by the appellate court.

5. When the matter came up for hearing, even though the learned counsel appearing for the petitioner started the arguments by stating that there was absolutely no eyewitness with reference to the rash and negligent driving of the petitioner, considering the overall facts and circumstances of the case, the learned counsel also argued on the question of sentence. The learned counsel submitted that, after the dismissal of the appeal, the petitioner surrendered before the trial court on 26.02.2024, and thereafter came out on bail only after the sentence was suspended and as such, he was in custody for a



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period of 13 days. He has also paid the fine amount. There is no other previous or subsequent case against the petitioner.

6. It can be seen that in urban settings, when there is huge traffic flow on the roads, once drizzle begins, the roads become extremely slippery. The kind of particles that are present on the road, which is maintained by the local authorities, should also be taken into account, especially when the accident had happened after the drizzle.

7. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the prosecution has proved the offences beyond any reasonable doubt. With reference to the queries made by this Court, he answered that it is true that the petitioner is not involved in any other case. The social background of the petitioner is that he is now aged 38 years and the fact that he has also unfortunately lost his wife and that he was in custody for 13 days are not denied by the learned Government Advocate (Crl. Side).

8. In view thereof, though certain arguments are made on merits, it can be seen that when the trial Court as well as the appellate Court has thoroughly appreciated the evidence and come to the finding of guilt, no ground has been



pointed out so as to exercise the revisionary jurisdiction of this Court. Be that

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as it may, the nature of the accident is taken into account. The fact that the vehicle lost control and veered to the right side is also to be noted. The behaviour of the accused after the accident and after coming out on bail, as well as the fact that he has no other bad antecedents, are also taken into account. Subsequent to the registration of the FIR, there is no other case against the petitioner. The petitioner has been facing these proceedings from the year 2018 onwards.

9. For all the above reasons, I am of the view that the petitioner has undergone imprisonment in proportion to the act complained of against him. It is also submitted that the fine amount has already been paid. I am of the view that the sentence can be modified as one of the period already undergone.

10. In view thereof, this Criminal Revision No. 80 of 2024 is ***partly allowed*** on the following terms:

The conviction of the petitioner for the offences under Section 279, 337 and 304(A) of Indian Penal Code by the judgment of the trial Court dated 16.06.2022 in C.C.No. 213 of 2018, as confirmed by the judgment of the appellant Court dated 30.11.2023 in Crl.A.No.54 of 2022 shall stand



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confirmed. However, the sentence imposed by the trial Court with reference to the imprisonment alone shall stand modified to the period already undergone.

13.08.2025

Neutral Citation: No
nsl

To

1. The Inspector of Police,
Tiruchengode Rural Police Station,
Namakkal District.
2. The II Additional District and Sessions Judge,
Namakkal, Tiruchengode.
3. The Judicial Magistrate, Tiruchengode.
4. The Public Prosecutor,
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY, J.

nsI

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