



Crl.RC.No.170 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.RC.No.170 of 2025 and

Crl.M.P.No.1332 of 2025

Munisamy

... Petitioner

Vs.

State represented by

Sub-Inspector of Police

Thiruvalam Police Station (Cr.No.26/2010)

Vellore District

... Respondent

Prayer: Criminal Revision Case filed under under Section 438 read with 442 of BNSS to call for the entire records and set aside the judgement dated 27.09.2024 in Crl.Appeal No.18 of 2024 on the file of the learned I Additional District and Sessions Judge at Vellore confirming the judgment dated 20.09.2023 in C.C.No.139 of 2010 on the file of the learned Judicial Magistrate, Katpatdi, Vellore District.

For Petitioner

: Mr.R.Karunakaran

For Respondent

: Mr.S.Sugendran

Additional Public Prosecutor



Crl.RC.No.170 of 2025

ORDER

WEB COPY

This Criminal Revision Case has been filed by the petitioner to set aside the judgement dated 27.09.2024 in Crl.Appeal No.18 of 2024 on the file of the learned I Additional District and Sessions Judge at Vellore confirming the judgment dated 20.09.2023 in C.C.No.139 of 2010 on the file of the learned Judicial Magistrate, Katpatdi, Vellore District.

2. The case of the petitioner is that the respondent registered a case against the petitioner under Sections 279 and 304 (A) IPC in Crime No.26 of 2010 alleging that on 25.01.2010 at about 8.30 a.m., opposite to S.N.Pudur Bus Stop, the petitioner drove a two wheeler bearing Regn. No.TN 23 AE 0565 in a rash and negligent manner and without blowing horn and hit against a girl child aged 5 years due to which, she sustained injuries and subsequently died. After completion of investigation, the respondent police filed final report and the same was taken on file in C.C.No.139 of 2010 on the file of the Judicial Magistrate, Katpadi, Vellore District. The learned Magistrate on conclusion of



Crl.RC.No.170 of 2025

trial, convicted the petitioner by order dated 20.09.2023 for the offence under

Sections 279 and 304 (A) IPC and imposed fine of Rs.1,000/- for the offence under Section 279 IPC in default, to undergo simple imprisonment for a period of one week and also sentenced to undergo six months simple imprisonment for the offence under Section 304(A) IPC.

3. Aggrieved by the order of conviction, the petitioner preferred an appeal in Crl.A.No.18 of 2024, before the I Additional District and Session Judge, Vellore District and the same was dismissed by judgment dated 27.01.2024 confirming the order of the trial Court. Against which, the present revision is filed.

4. The learned counsel for the petitioner submitted that the Courts below failed to consider the delay in lodging the complaint. The Courts below erred in convicting the petitioner on the basis of alleged sole eye witness P.W.3 namely Moorthy who was not cross examined, however, his evidence in chief examination under Section 33 of Evidence Act has been relied on by the trial



Crl.RC.No.170 of 2025

Court. Further, the presence of P.W.3 in the place of occurrence at the relevant

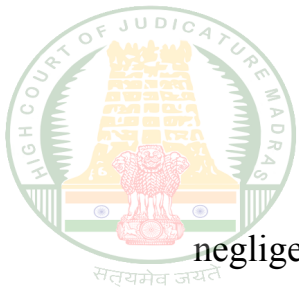
point of time itself is doubtful. Therefore, his evidence cannot be relied on.

5. The learned Additional Public Prosecutor appearing for the respondent police submitted that the Courts below after hearing the arguments on either side and appreciating the materials available on record, convicted the petitioner. Therefore, there is no merit in this revision.

6. Heard both sides and perused the materials available on record.

7. This revision is filed against the concurrent findings of the Courts below whereby the learned Magistrate on conclusion of trial, found the petitioner guilty for the offence under Sections 279 and 304(A) IPC and imposed fine of Rs.1,000/- for the offence under Section 279 IPC in default to undergo simple imprisonment for one week and also sentenced to undergo six months simple imprisonment for the offence under Section 304(A) IPC and the same has been confirmed by the lower appellate Court.

8. The petitioner is said to have driven the two wheeler in a rash and



Crl.RC.No.170 of 2025

negligent manner without blowing horn and hit against a child due to which,
the child succumbed to the injuries.

WEB COPY

9. A careful reading of the entire evidence and materials, this Court does not find any perversity in the appreciation of evidence by the Courts below. However, considering the facts and circumstances of the case, the sentence of imprisonment alone is modified as two months instead of six months.

10. With the above modification, this Criminal Revision Case is dismissed. Consequently, the connected Miscellaneous Petition is closed.

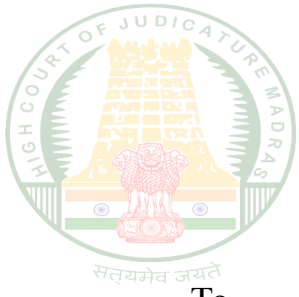
12.02.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

ksa-2



Crl.RC.No.170 of 2025

To
WEB COPY

1. The I Additional District and Sessions Judge
Vellore
2. The Judicial Magistrate,
Katpatdi, Vellore District.
3. Sub-Inspector of Police
Thiruvalem Police Station
Vellore District
4. The Public Prosecutor
High Court of Madras



WEB COPY



Crl.RC.No.170 of 2025

P.VELMURUGAN. J.

Ksa-2

Crl.RC.No.170 of 2025

12.02.2025