



Crl.R.C.No.69 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 25.06.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C.No.69 of 2023

P.Saravanan

... Petitioner

Vs.

The State Rep. by
The Sub Inspector of Police,
Velagoundampatti Police Station,
Namakkal.
(Crime No.77/2016)

... Respondent

PRAYER: Criminal Revision has been filed under Section 397 r/w 401 of Cr.P.C., praying to set aside the judgment dated 10.10.2022 in Crl.A.No.61 of 2021 on the file of the Special Court for trial of cases registered under SC/ST(POA) Act, Namakkal, confirming the conviction and sentence made in the judgment dated 19.03.2021 made in C.C.No.488 of 2019 on the file of the Additional Mahila Court, Namakkal.

For Petitioners : Mr.S.Arivazhagan
For Mr.T.Rajarathinam

For Respondents : Mr.A.Gopinath
Government Advocate (Crl. Side)



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ORDER

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This Criminal Revision has been preferred against the judgement dated 10.10.2022 passed by the learned Sessions Judge, Special Court for trial of cases registered under SC/ST(POA) Act, Namakkal, in Crl.A.No.61 of 2021, confirming the conviction and sentence imposed on the petitioner dated 19.03.2021, passed by the learned Judicial Magistrate, Additional Mahila Court, Namakkal, in C.C.No.488 of 2019, for the offences punishable under Sections 279, 338 (3 counts), 304-A of IPC and Sections 134(a), 134 (b) r/w 187 of the Motor Vehicle Act, 1988 (hereinafter referred to as “the MV Act”).

2. The case of the prosecution is that on 17.04.2016 at about 2.12 p.m., when the deceased was riding his two wheeler at Namakkal to Thiruchengode Main Road near Veppanatham, on the left side of the road, from the opposite side, the accused had driven his car in a rash and negligence manner and came to esteem right side of the road, dashed against the two wheeler which was driven by the deceased. The accused also dashed against another two wheeler which was riding by an injured along with pillion riders. Therefore, the person who was riding in his two wheeler died and others sustained grievous injury. On the complaint, the respondent registered the FIR in Crime No.77 of 2016 for the offences punishable under Sections 279, 338 &



304A of IPC. After completion of investigation, the respondent filed final report and the same was taken cognizance for the offences punishable under Sections 279, 338 (3 counts) 304A of IPC and Sections 134(a), 134 (b) r/w 187 of the MV Act.

3. In order to bring the charges to home, the prosecution had examined P.W.1 to P.W.11 and marked documents in Ex.P.1 to Ex.P.12. On the side of the accused, no one was examined and no document was marked. On perusal of the oral and documentary evidences, the trial Court found the petitioner guilty for the offences punishable under Sections 279, 338 (3 counts) 304A of IPC and Sections 134(a), 134 (b) r/w 187 of the MV Act and sentenced him as follows :-

S.No.	Conviction	Sentence
1	Section 279 of IPC	to pay fine of Rs.1,000/-, in default to undergo simple imprisonment for one month.
2	Section 338 of IPC (3 counts)	to undergo simple imprisonment for a period of six months and to pay fine of Rs.1,000/- for each count, in default to undergo simple imprisonment for one month.
3	Section 304A of IPC	to undergo simple imprisonment for a period of two years and to pay fine of Rs.1,000/-, in default to undergo simple imprisonment for one month.
4	134(a), 134(b) r/w 187 of MV Act	to pay fine of Rs.500/-, in default to undergo simple imprisonment for one month.

The above sentences are ordered to run concurrently. Aggrieved by the same,



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the petitioner preferred an appeal and the appellate Court dismissed the appeal by confirming the order of conviction and sentence imposed by the trial Court.

Hence the present revision.

4. The learned counsel appearing for the petitioner submitted that the prosecution failed to prove the charges beyond any doubt. The petitioner was identified by the injured and there was no evidence to show that the petitioner drove the car in a rash and negligence manner. No one has stated that the petitioner had driven the vehicle in a rash and negligence manner. Therefore, no charge is made out as against the petitioner. Except the injured no eye witness was examined by the prosecution. Even then, the trial Court convicted the petitioner.

5. Per contra, the learned Government Advocate (Crl. Side) appearing for the respondent submitted that the injured were examined by the prosecution and they categorically deposed about the accident and the manner in which the petitioner had driven his car. All had deposed that the petitioner had driven his car in a rash and negligent manner. The rough sketch was marked as Ex.P.4 and on perusal of the Ex.P.4, it is revealed that when the injured and the deceased were riding in their respective motor vehicles on the



left side of the road and the petitioner had driven his car from the opposite side

and on the esteem right side of the road dashed against both the two wheelers.

The offending vehicle was subjected for motor vehicle inspection and the report revealed that the accident was not taken place due to mechanical fault.

The deceased body was subjected for post mortem and the post mortem report revealed that the deceased died due to the injuries sustained during the accident. Therefore, both the Courts below rightly convicted the petitioner and it doesn't warrant any interference from this Court.

6. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

7. The complainant was examined as P.W.1 and she deposed that on 17.04.2010, the petitioner had driven his car in a rash and negligence manner and dashed against the deceased, who is none other than father of P.W.1 and caused accident. Therefore, he sustained grievous injuries on his entire body. Though he was taken to hospital, he died due to the injuries sustained by him. The complaint was marked as Ex.P.1. That part, the petitioner also dashed against another two wheeler. The injured was examined as P.W.2 and he categorically deposed that when he was riding his motor cycle along



with his wife and son, on the esteemed left side of the road in the Namakkal-

Thiruchengode road, near Singilipatti, the petitioner had drawn his car in a rush and negligent manner in the opposite side and dashed against him. Therefore, he along with wife and son had thrown out from the two wheeler and as such he sustained fracture on his right leg. He also sustained injury on his head. His son sustained injury on his head and got fracture on his shoulder. His wife also sustained fracture on her legs. He also deposed that another driver of the two wheeler also sustained injury and died in the hospital. The injured persons were taken to government hospital and they were provided first aid. Thereafter for further treatment, they were admitted in the Ganga Hospital, Coimbatore, for fifteen days.

8. The rough sketch was marked as Ex.P.4 and on perusal of the rough sketch, it is revealed that the accident was happened on the esteem right side of the road from the petitioner's vehicle. It shows that the petitioner had driven his car in a rash and negligent manner and came esteemed right side of the road and dashed 2 two wheelers. The offending vehicle was subjected for motor vehicle inspection. The inspection report was marked as Ex.P.6 and it is revealed that the accident did not happen due to any mechanical fault. The wound certificate of the injured persons were marked as Ex.P.10 to Ex.P.12.



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The post mortem certificate of the deceased was marked as Ex.P.9. When the injured persons had deposed about the accident, it doesn't require any other independent eye witness to the occurrence. The injured witnesses are the best witness and they categorically deposed and corroborated each other. Therefore, there is absolutely no flaw on the part of the prosecution and they proved the charges as against the petitioner. This Court finds no infirmity or illegality in the conviction and sentence imposed by the trial Court as well as the appellant Court.

9. However, considering the age of the petitioner, this Court is inclined to modify the sentence for the offence under Section 304-A of the IPC alone. Accordingly, the conviction imposed on the petitioner in judgement dated 10.10.2022 passed by the learned Sessions Judge, Special Court for trial of cases registered under SC/ST(POA) Act, Namakkal, in Crl.A.No.61 of 2021, and the judgment dated 19.03.2021, passed by the learned Judicial Magistrate, Additional Mahila Court, Namakkal, in C.C.No.488 of 2019, are hereby confirmed. However, the sentence imposed on the petitioner under Section 304-A of the IPC is alone modified to the effect that the petitioner shall undergo simple imprisonment for the period of one year. The trial Court is directed to secure the petitioner for the purpose of sentencing him to undergo



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the reduced/modified period of sentence. Further, the period of remand already undergone by the petitioner, if any, is ordered to be set off against the sentences imposed.

10. In the result, this Criminal Revision Case stands partly allowed.

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Internet: Yes

Index: Yes/No

Speaking/Non speaking order

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- To
- 1.The Special Court for trial
of cases registered under SC/ST(POA) Act,
Namakkal.
 - 2.The Judicial Magistrate,
Additional Mahila Court, Namakkal.
 - 3.The Sub Inspector of Police,
Velagoundampatti Police Station,
Namakkal.
 4. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN. J,

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