



Crl.RC.No.409 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 12.08.2025

CORAM:

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

Crl.RC.No.409 of 2022

Basil Rosario
S/o.Selvaraj

...Petitioner

Vs.

State
Rep.by Inspector of Police,
Tiruppur North Police Station,
Tiruppur.
Crime No.1199 of 2016

...Respondent

Prayer: Criminal Revision Case filed under Section 397 and 401 of Code of Criminal Procedure to set aside the judgment of the learned Principal Sessions Judge at Tiruppur in C.A.No.74 of 2021 dated 17.12.2021, modifying the conviction and sentence passed by the learned Judicial Magistrate No.I at Tiruppur in C.C.No.62 of 2017 dated 13.09.2021 and allow this criminal revision case.

For Petitioner	: M/s.J.Franklin
For Respondent	: Mr.J.Subbiah Government Advocate (Crl.side)



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ORDER

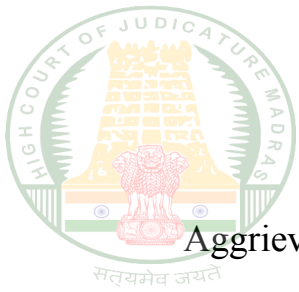
WEB COPY This criminal revision is filed challenging the judgment of the learned Principal Sessions Judge, Tiruppur made in C.A.No.74 of 2021 dated 17.12.2021. By the said judgment, the appellate Court confirmed the conviction of the appellant made vide judgment dated 13.09.2021 by the learned Judicial Magistrate No.I in C.C.No.62 of 2017 for the offences under Section 341 and 353 of Indian Penal Code. While confirming the sentence imposed in respect of the offence under Section 341, modified the sentence imposed with reference to the offence under Section 353 of Indian Penal Code, to undergo simple imprisonment for a period of 6 months. Aggrieved by the same, the present revision is filed.

2. The case of the prosecution is that, on 15.10.2016, the petitioner was on duty as a driver in the Tamil Nadu State Transport Corporation bus bearing number TN 33 N 2289 in route no.9 and was returning from Chevur, Atharamapalayam to Tirupur. While so, in front of the CSI Church, Bungalow Stop at about 9:40 a.m., the accused who was in an inebriated condition drove his two wheeler in rash and negligent manner in a zigzag way, under the influence of alcohol. To avoid collusion, the bus was stopped by P.W.1 in the left hand side corner. The accused, stopped his two wheeler in the middle of



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the road, came to the driver abused him in filthy language, and questioned him that why is he not going properly. He opened the driver's door and dragged the driver and caught hold of him by his shirt and assaulted him on the cheek. This resulted in the bus being delayed and there was also a huge traffic jam that happened. On the strength of the said allegations, a case in Crime No. 1199 of 2016 was registered for the offences punishable under Section 294(b), 341, 332 and 353 of IPC and Section 4(1) (j) of the Tamil Nadu Protection of Public Property from Damages Act. P.W.8 took up the case for investigation and laid a final report proposing the accused guilty of the aforementioned charges. The case was taken on file as C.C.No.62 of 2017 and upon being summoned, the copies were furnished and upon questioning the accused, denied the allegations stood trial. In order to bring home the charges, the prosecution examined P.W.1 to P.W.8 and marked Ex.P1 to P6. Upon being questioned about the incriminating evidence and circumstances under Section 313 of the Code Of Criminal Procedure, the accused denied the same as false. Thereafter, no evidence was let in on behalf of the prosecution. The trial Court considered the evidence on record, while acquitting the accused for the offences punishable under Section 294 (b) and Section 4 (1) (j) of the Tamil Nadu Protection of Public Property from Damages Act, convicted the accused for the offences punishable under Section 341 and 353 of Indian Penal Code.



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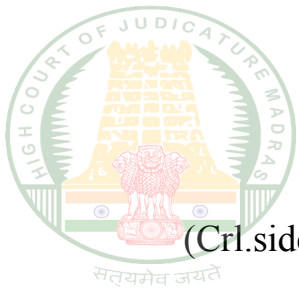
Aggrieved by the conviction and sentence, the petitioner preferred appeal in Criminal Appeal No.74 of 2021. The appellate Court, after reappreciation of evidence, confirmed the convictions but however, modified the sentence with reference to the offence punishable under Section 353 of Indian Penal Code as above. Aggrieved by which, the revision is filed before this Court.

3. *Mr.J.Franklin*, the learned counsel for the petitioner by taking this Court through the judgement of the trial Court and the appellate Court, initially argued on merits and thereafter also with reference to the quantum of sentence.

4. Per contra, the learned Government Advocate (Crl.side) would submit that the trial Court and the lower appellate Court have considered that the P.W.1/driver has spoken about the incident and P.W.2/Conductor also corroborated the case of the prosecution and the other witnesses have also spoken about the same. Therefore, no interference is called for by this Court.

5. I have considered the rival submissions made on either side and perused the material records of the case.

6. Upon query by this Court, the learned Government Advocate

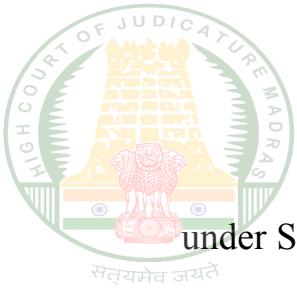


(Crl.side) would submit that the petitioner is not involved in any other offence

previously or subsequent to the conviction in the instant case. Therefore, while the prosecution has proved the offences as P.W.1 and P.W.2 has spoken to, with reference to the allegations, I am of the view that, the question of sentence as argued by the learned counsel for the petitioner can be considered by this Court. As far as the offences punishable under Section 341 is concerned, the Courts below had imposed a fine of Rs.500/- and the same is already paid. With reference to the offence under Section 353, the appellate Court has imposed a sentence to undergo rigorous imprisonment for a period of 6 months. I take into consideration the following three factors:

- (i) The accused is undergoing the ordeal from the year 2016 and now we are in the year 2025;
- (ii) The accused is not involved in any other offense prior to the commission of the present offence and also subsequent to the same;
- (iii) The accused is now aged about 39 years and
- (iv) The accused has undergone imprisonment for a period of 7 days.

7. Therefore, the sentence can be modified as one of imprisonment already undergone and also additionally imposing a fine for the offence under Section 353 also. A sum of Rs.30,000/- shall be paid as fine for the offences



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under Section 353 and out of the same, a sum of Rs.25,000 shall be paid out to

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8. In view thereof, this criminal revision is partly allowed on the following terms:

(i) The conviction of the accused for the offences punishable under Section 341 and for the offences punishable under Section 341 and 353 by the judgement of the trial Court dated 13.09.2021 made in C.C.No.62 of 2017 and the lower appellate Court dated 17.12.2021 made in C.A.No.74 of 2021 stands confirmed;

(ii) The punishment imposed with reference to the offence punishable under Section 341, being a fine of Rs.500/- is also confirmed. The submission that already the said fine amount is paid is also recorded;

(iii) With reference to the punishment that is imposed by the lower appellate Court, in respect of the offence punishable under Section 353, the same is modified as follows:

(a) The sentence of imprisonment shall stand modified, as the period of imprisonment already undergone and in addition, the accused shall also pay a fine of Rs.30,000/- within a period of four (4)weeks from the date of receipt of the web copy of the order without waiting for the certified copy of the



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order, in default the accused shall undergo simple imprisonment for another 30

days;

(b) Out of the fine amount paid, a sum of Rs.25,000/- shall be paid out as compensation for P.W.1

(iv) There shall be no order as to costs.

12.08.2025

Neutral Citation: Yes/No
veda

To
1. Inspector of Police,
Tiruppur North Police Station,
Tiruppur.

2. Principal Sessions Judge at Tiruppur.

3. Judicial Magistrate No.I at Tiruppur.

4. The Public Prosecutor,
Madras High Court.



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D.BHARATHA CHAKRAVARTHY, J.

veda

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WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2025

CORAM:

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

CrI.RC.No.409 of 2022

Basil Rosario
S/o.Selvaraj

...Petitioner

Vs.

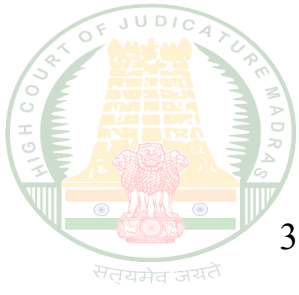
State rep.by Inspector of Police,
Tiruppur North Police Station,
Tiruppur.
Crime No.1199 of 2016

...Respondent

ORDER

The matter is listed under the caption “for being mentioned” at the instance of the learned counsel for the petitioner.

2. When the matter came up for hearing, the learned counsel appearing for the petitioner sought an extension of time to pay the fine amount imposed in CrI.R.C.No. 409 of 2022 by order dated 12.08.2025, as the fine was originally directed to be paid within a period of four weeks.



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3. In view of the request made, the time for payment of the fine is

extended by a further period of three weeks from today (26.09.2025).

26.09.2025

Neutral Citation: Yes/No
nsl

To

1. Inspector of Police,
Tiruppur North Police Station,
Tiruppur.

2. Principal Sessions Judge at Tiruppur.

3. Judicial Magistrate No.I at Tiruppur.

4. The Public Prosecutor,
Madras High Court.



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D.BHARATHA CHAKRAVARTHY.J.,

nsI

CrI.R.C.No.409 of 2022

26.09.2025