



Crl.RC.No.424 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.RC.No.424 of 2024

Saravanan
S/o.Ganesan

...Petitioner

Vs.

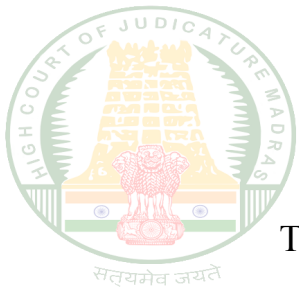
State represented by
Inspector of Police,
Kadathur Police Station,
(Crime No.171 of 2018)

...Respondent

Prayer: Criminal Revision Case filed under Section 397 r/w 401 of Code of Criminal Procedure, to set aside the conviction and sentence imposed by the judgment dated 09.11.2023 made in Crl.A.No.76 of 2023 on the file of the III Additional District and Sessions Judge, Erode at Gobichettipalayam dismissing the appeal and confirming the conviction and sentence imposed by the trial Court in judgment dated 27.12.2022 made in C.C.No.115 of 2018 on the file of the Judicial Magistrate Court No.2, Gobichettipalayam, Erode District and the acquit the petitioner by allowing this Criminal Revision Petition.

For Petitioner	: Mr.R.Prabhakar
For Respondent	: Mr.J.Subbiah Government Advocate (Crl.side)

ORDER



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This criminal revision is filed challenging the judgment in Crl.A.No.76

of 2023 dated 09.11.2023 made by the III Additional District and Sessions Judge, Erode at Gobichettipalayam. By the said judgment, the appellate Court confirmed the conviction and sentence imposed by the trial Court (Judicial Magistrate No.2, Gobichettipalayam) by judgment dated 27.12.2022 made in C.C.No.115 of 2018. By the said judgment, the trial Court, convicted the petitioner for an offence punishable under Section 279 and 304(A) of Indian Penal Code and imposed the sentence of 3 months simple imprisonment for the offence under Section 279 of the Indian Penal Code and simple imprisonment for a period of one year and a fine of Rs.1000/- for the offence punishable under Section 304(A) of the Indian Penal Code, in default to undergo two weeks simple imprisonment.

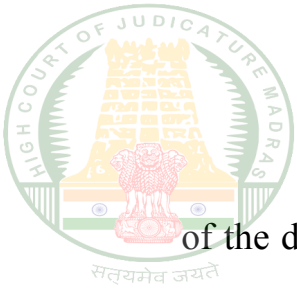
2. The case of the prosecution is that, on 14.06.2018 at about 02.20 p.m., when the petitioner was driving the bus bearing TN 57 BB 1809 near Pudhuvallampalayam Pirivu in Sathyamangalam to Gobi road from west to east, he drove the bus in a rash and negligent manner and hit against one Kanniappan, a bicycle rider and he said to have fallen and suffered injuries. The petitioner himself went to the police station and lodged a complaint. On the strength of the said complaint, a case in Crime No.171 of 2018 was registered for the offences under Section 279 and 337 of Indian Penal Code



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and later on, after the death of the victim, was altered to one under Section 279, 337 and 304(A) of Indian Penal Code. P.W.12 completed the investigation and laid a final report. The case was taken on file as CC.No.115 of 2018. Upon issue of summons and questioning, the accused denied the allegations and stood trial. The prosecution examined P.W.1 to P.W.12 and marked Ex. P1 to P11. To bring home the charges, upon being questioned about the material evidence and incriminating circumstances on record 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 defense. The trial Court considered the arguments of the learned Assistant Public Prosecutor and the learned counsel for the accused and while acquitting the accused for the other charges found the accused guilty of the offence punishable under Section 279 and 304(A) of IPC and sentenced him as above. Aggrieved thereby, the appeal was filed by the petitioner, which was dismissed by the appellate Court, confirming the conviction and sentence, as against which, the revision is filed.

3. Learned counsel for the petitioner, by pointing out to the evidence of P.W.5 one of the eyewitnesses, would submit that, because the deceased was carrying fodder in his bicycle, which protruded on either side, it came into contact with the bus and he fell down and the injury happened only on account



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of the deceased falling down. Therefore, she would submit that the petitioner

should be acquitted in the instant case.

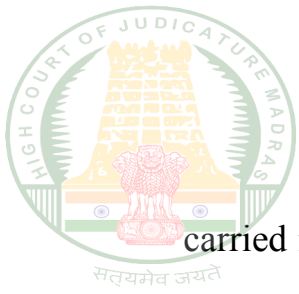
4. Per contra, the learned Government Advocate (Crl.side) would submit that it may be true that the deceased was carrying fodder but still, when the collusion has happened from the opposite side, the accused has driven the bus in an high speed manner and was not able to control and therefore, the prosecution has still proved the offences.

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

6. The manner in which the accident took place as projected by the prosecution is not in dispute. The following was the evidence of the eyewitnesses:

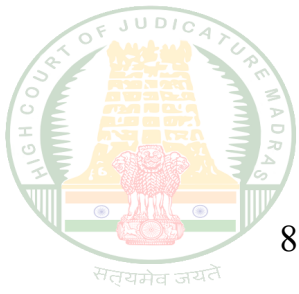
"அடிபட்டவர் ரோட்டில் விழுந்துதான் காயம்பட்டது.
ஆட்டுக்குட்டிக்கு புல் கொண்டு வந்தார்."

7. Therefore, it can be seen that, the lengthy fodder which was



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carried in the carrier of the bicycle had come into contact with the body of the bus and accordingly, the deceased fell down and succumbed to the head injury, thereafter. Though the argument of the learned counsel for the petitioner has force, in this country, it is common knowledge that in the cycle and mopeds, people carry huge amount of fodder which would be even more than one metre breadth. The person driving the bus in the regular route is expected to take notice of the same also. Therefore, I am of the view that, inspite of the accident being happened in a particular manner, still it cannot be said that the vehicle was not driven in a rash manner by the petitioner, as this accident could have certainly been avoided, if the petitioner had carefully driven the bus. In view thereof, I am unable to accept the argument of the learned counsel for the petitioner for interfering with the finding of guilt. But however, the said circumstances can be taken as a mitigating factor for interfering with the quantum of punishment. The nature of accident was narrated above. It can be seen that after the judgment of the appellate Court, the petitioner was taken in custody and was in jail for about 7 days and the fine amount is also paid. The petitioner is now aged 40 years. All these are taken into account and the sentence of imprisonment alone shall be modified as period of imprisonment already undergone.



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

following terms:

(i) The conviction of the petitioner for the offences under Section 279 and 304(A) of Indian Penal Code, by the judgement of the trial Court in CC.No.115 of 2018 dated 27.12.2022 and confirmed by the appellate Court in Crl.A.No.76 of 2023 dated 09.11.2023 stands confirmed.

(ii) The sentence of imprisonment alone is modified as period of imprisonment already undergone.

(iii) The fine amount imposed by the trial Court shall remain the same and the fact that it is already paid is recorded.

(iv) No costs.

13.08.2025

Neutral Citation: Yes/No
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D.BHARATHA CHAKRAVARTHY, J.

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To

1. Inspector of Police,
Kadathur Police Station.

2. III Additional District and Sessions Judge, Erode at Gobichettipalayam.

3. Judicial Magistrate Court No.2, Gobichettipalayam, Erode District.

4. The Public Prosecutor,
Madras High Court.

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