



Crl.RC.No.296 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2025

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THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.RC.No.296 of 2021

Prabhakaran

...Petitioner

Vs.

State by
The Inspector of Police,
Magudanchavadi Police Station,
Salem District.
(Cr.No.06 of 2013)

...Respondent

This Criminal Revision is filed under Section 397 r/w 401 of Code of Criminal Procedure, 1973 against the judgment passed in Crl.A.No.41 of 2020 on the file of the learned Principal Sessions Judge, Salem dated 11.11.2020 as well as the judgment passed in C.C.No.97 of 2013 on the file of the learned Judicial Magistrate No.II, Sankari, Salem District dated 26.02.2020.

For Petitioner : M/s.M.Vijaya Ragavan

For Respondent : Mr.J.Subbiah, GA (Crl. Side)

ORDER

This Revision is filed challenging the judgment of the Principal Sessions Judge, Salem dated 11.11.2020 made in C.A.No.41 of 2020. By



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the said judgement, the appeal filed by the petitioner was dismissed confirming the conviction and sentence imposed by the trial court – the learned Judicial Magistrate No.II, Sangagiri by judgement dated 26.02.2020 in C.CNo.97 of 2013 had found the petitioner guilty for the offences under Sections 279, 338(two counts) and 304(A) (two counts) of IPC and sentenced to undergo two years simple imprisonment and to pay a fine of Rs.2500/- for each count, in default to undergo one month simple imprisonment for the offence under Section 304(A) (two counts) of IPC and imposed a fine of Rs.2000/- for each count for the offence under Section 338(two counts) of IPC and to undergo one month simple imprisonment.

2. The case of the prosecution is that on 06.01.2013 at about 6.20 a.m, the accused drove the Tata Sumo vehicle bearing Registration No.TN 58 1000 in a rash and negligent manner and dashed from behind on a static lorry bearing Registration No. TN 60 E 3060. In the said incident, apart from the fact that the petitioner got injured, there were serious injuries to the travellers of the said car. Among the passengers, the witnesses Mohanraj and Rajakumari suffered grievous injuries. Two other passengers Rangaraj @ Ebinesar and Sundari suffered head injury



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and shock and they died of the same. As such, a case was registered in

Crime No.6 of 2013 and P.W.16 took up the case for investigation and

laid a final report proposing the accused guilty of the charges. Upon

service of summons and furnishing of copies, the accused denied the

allegations and stood trial. In order to bring home the charges, P.W.1 to

P.W.16 were examined on behalf of the prosecution and Exhibits P.1 to

P.18 were marked. Upon being questioned about the incriminating

circumstances and material evidence on record, the accused denied the

same as false. Thereafter, no evidence was let in on behalf of the defence.

The trial Court considered the case of the parties and found the accused

guilty of the offences and sentenced as above and the appeal also being

dismissed, the petitioner by way of the present Revision is before this

Court.

3. Even though the learned counsel, started arguing on merits,

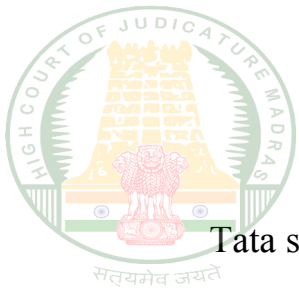
upon query made by this Court, the additional types set of papers is

produced today. It is stated by the learned counsel for the petitioner and

the fact is also confirmed by the learned Government Advocate

(Crl.Side) that all these persons were relatives who were travelling by the

same car. The manner of accident is taken into account by this Court. The



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Tata sumo car dashed against a static lorry which was parked on the road.

Therefore, that is another circumstances which this Court takes into account. It can be seen that the petitioner was also seriously injured that is the third circumstances. He was aged about 23 years as on date of the accident is the fourth circumstances. The petitioner is the first offender and was also not involved in any other subsequent offence. Even though every case under Section 304(A) of IPC will not be considered fit for releasing the petitioner under the Provisions of Probation of Offenders Act, 1958, considering the extraordinary facts and circumstances of the case, where the relatives have travelled together and the lorry is also parked in the road, I am of the view that the petitioner to be released on probation instead of sentencing him. In view thereof, this criminal Revision is partly allowed on the following terms.

(i) The conviction of the petitioner for the offences under Sections Sections 279, 338(two counts) and 304(A) (two counts) of IPC made by the trial Court by the judgement dated 26.02.202 in C.C.No.97 of 2013 and confirmed by the Appellate Court by judgement dated 11.11.2020 in C.A.No.41 of 2020 shall stand confirmed. The accused is released on probation under the Probation of Offenders Act, 1958 subject to the condition that the accused shall file a bond of good conduct before the



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trial Court within a period of four (4) weeks from the date of receipt of
the web copy of the order undertaking good conduct for another period
of two years.

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RAP

NCC : Yes / No



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D.BHARATHA CHAKRAVARTHY.J.,

RAP

To

1. The Principal Sessions Judge, Salem
2. The Judicial Magistrate No.II, Sankari, Salem District
3. The Inspector of Police,
Magudanchavadi Police Station,
Salem District.
4. The Public Prosecutor,
High Court of Madras.

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