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Crl.R.C.No.413 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.No.413 of 2024

Balakumaran

.. **Petitioner**

Vs.

State rep.by
The Inspector of Police
Sankari Police Station
Salem District.
(Crime No.11/2019)

.. **Respondent**

Prayer: Criminal Revision Case filed under Section 397 and 401 of Cr.P.C., to set aside the order passed in C.A.No.88 of 2023 on the file of the I Additional District and Sessions Judge, Salem, confirming the sentence and conviction of the petitioner in C.C.No.36 of 2019 on the Judicial Magistrate No.I, Sankari.

For the Petitioner : Mr.R.K.Gandhi

For the Respondent : Mr.J.Subbiah
Government Advocate (Crl.Side)



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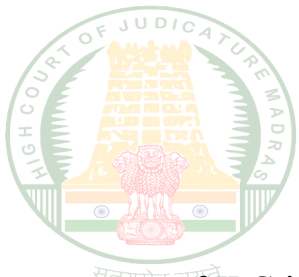
ORDER

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This Criminal Revision Case is filed against the Judgment of the I Additional District and Sessions Judge, Salem, dated 08.01.2024 made in C.A.No.88 of 2023. By the said Judgment, the conviction and sentence imposed on the petitioner by the learned Judicial Magistrate No.1, Sankari in C.C.No.36 of 2019 dated 19.04.2023 was confirmed and the petitioner was found guilty of an offense punishable under Section 279 of IPC and imposed the punishment of six months simple imprisonment and to pay the fine of Rs.1,000/- ; in default to undergo two weeks simple imprisonment; for an offence under Section 304 - A of IPC, to undergo the sentence of two years simple imprisonment and to pay the fine of Rs.1,000/- ; in default, to undergo two weeks simple imprisonment.

2. The case of the prosecution is that on 10.01.2019, at about 03.00 pm, in the Bhavani to Sankari Main Road, near ICL post office, when the deceased was walking in the left hand side of the road, the petitioner drove the Apache two wheeler, bearing Registration No.TN 15 V 4095 in a rash and negligent manner and hit the pedestrian from the back side, caused injuries and she died. Accordingly, a case was registered for an offence under Section 279 and 304 - A

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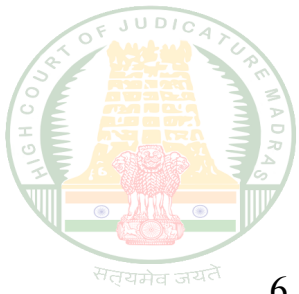
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of IPC in Crime No.11 of 2019. The P.W.7 – *Shanmuga Sundaram*, Inspector of Police took up the case for investigation and laid a final report proposing the accused guilty of the offenses. The case was taken on file in C.C.No.36 of 2019.

3. In order to bring home the charges, the prosecution examined P.Ws.1 to 7 and marked the documents in Exs.P1 to P9.

4. Upon being questioned under Section 313 of Cr.P.C., about the incriminating evidence on record, the accused denied the same as false. Subsequently, no evidence was let in on behalf of the defence.

5. The Trial Court considered the case of the parties and convicted the petitioner for the aforementioned offenses and sentenced as above. The accused filed an appeal and the Appellate Court after re-appreciation of the evidence confirmed the conviction and sentence.



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6. *Mr.R.K.Gandhi*, the learned counsel appearing on behalf of the petitioner would first submit that the prosecution in this case has failed to prove the charges beyond a reasonable doubt and the manner in which the accident had happened as projected by the prosecution is doubtful. Alternatively, he would also argue on the question of sentence, as in this case, the petitioner had underwent incarceration for a period of 38 days, after the Judgment of the Appellate Court was delivered.

7. *Per contra*, the learned Government Advocate (Crl.Side) would submit that the prosecution has duly proved the charges by examining even the eye witnesses and there is nothing for this Court to interfere in the Judgment of the Appellate Court in exercise of the revisionary jurisdiction.

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



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9. Even though, the learned counsel would argue on certain points relating to the evidence, no clinching argument was projected, so as to interfere in a revisionary jurisdiction, especially two Courts have concurrently appreciated the evidence and found the accused guilty of the charges. However, I am of the view that the following charges have to be taken into consideration with reference to the sentence. On the date of accident, the accused was 26 years of age, the accused has not involved in any other offence, prior to the accident and subsequent to the accident, the accused was in custody and underwent imprisonment for a period of 38 days, therefore, I am of the view that the sentence of imprisonment alone can be modified as period already undergone, while the fine amount can be confirmed.

10. In view thereof, this Criminal Revision Case is partly allowed on the following terms:-

(i) The conviction and sentence imposed on the petitioner for the offences under Sections 279 and 304 – A of IPC by the Judgment in C.A.No.88 of 2023 on the file of the I Additional District and Sessions Judge, Salem, confirming the



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conviction and sentence imposed on the petitioner in C.C.No.36 of 2019 on the file of the Judicial Magistrate No.I, Sankari, shall stand confirmed;

(ii) The fine amount as levied by the Trial Court is confirmed and the fact that it was already paid is also recorded;

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

20.08.2025

Neutral Citation : Yes/No

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To

1. The I Additional District and Sessions Judge, Salem.

2. The Judicial Magistrate No.I, Sankari.

3. The Inspector of Police
Sankari Police Station
Salem District.

4. The Public Prosecutor
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY, J.

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