



Crl.RC.No.465 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.465 of 2024

M.Rajiv Gandhi

...Petitioner

Vs.

The State
Rep by The Inspector of Police,
Yethapur Police Station,
Salem.

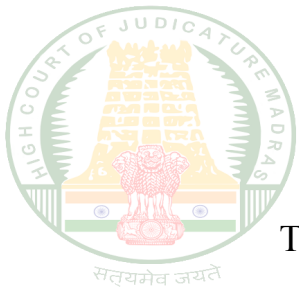
...Respondent

Prayer: Criminal Revision Case filed under Section 397 r/w 401 of Code of Criminal Procedure, to set aside the order dated 22.09.2023 in Crl.A.No.17 of 2023 on the file of the I Additional District and Sessions at Salem by confirming the judgment of the learned Judicial Magistrate No.I at Attur in C.C.No.267 of 2020 dated 30.12.2022.

For Petitioner : Mr.Karthik
assisted by
Mr.K.Thenrajan

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

ORDER



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This criminal revision is filed challenging the judgment of the I Additional District and Sessions, Salem dated 22.09.2023 made in Criminal Appeal No.17 of 2023. By the said judgement, the appellate Court confirmed the conviction and sentence imposed by the trial Court (Judicial Magistrate No.1 at Attur) in CC.No.267 of 2020 dated 30.12.2022. By the said judgement, the trial Court found the petitioner/accused guilty of an offence under Section 279 of Indian Penal Code and imposed simple imprisonment for a period of 3 months and a fine of Rs.500/- and in default to undergo 15 days simple imprisonment and for the offence under Section 304(A) of Indian Penal Code, sentenced to undergo one year simple imprisonment and to pay a fine of Rs.1,000/- and in default of payment of fine amount, further to undergo 1 month simple imprisonment.

2. The case of the prosecution is that, on 27.12.2019 at about 6:30 p.m. in the Attur-Salem National Highway near Periya Krishnapuram bus stop, when one Mr.Ponnudurai, was crossing the road from north to south, the vehicle that was driven by this petitioner being Eicher lorry bearing TN 02 BQ 2347, was driven in a high speed and rash and negligent manner and hit the said Mr.Ponnudurai and on account of which, he succumbed to the injuries. On the strength of the complaint, a case in Crime No. 447 of 2019 was registered and P.W.8 took up the same for investigation and laid a final report, proposing



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the accused to be guilty of the said offences. The case was taken on file, accused was summoned, questioned where upon he denied the allegations and stood trial. In order to bring home the charges, the prosecution examined P.W.1 to P.W.8 and marked exhibits P1 to P7. Upon being questioned about the 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 heard the learned Assistant Public Prosecutor and the learned Counsel for the accused and found the accused guilty and sentenced him as above. The accused filed an appeal and the appellate Court after reappreciation of evidence, confirmed the punishment and sentence imposed against the accused.

3. Learned counsel appearing on behalf of the petitioner would submit that it can be seen that Salem - Attur is a four lane National Highway and carelessly, the victim was crossing the road and there were plants in the central meridian and when the victim suddenly crossed the road jumping out of the Bush of plants, it cannot also be noticed from a distance by the accused and accordingly, the accident happened purely on the negligence of the victim who carelessly crossed the road and therefore, this Court should acquit the accused.

4. Per contra, the learned Government Advocate (criminal side) by



pointing out the evidence of the eyewitness would submit that, even the plants were not high and any person standing near the meridian or crossing the road, will be very much visible, as far as the said spot is concerned. Even otherwise, it can be seen from the spot in which the accident happened that the victim had crossed the road for over a distance and only because the accused drove the vehicle in a rash and negligent manner, the accident happened.

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

6. It is true that, it is only the victim who could have been more careful while he is crossing the National Highway which has a meridian and plants, where the vehicles nowadays are rushing in high speed. Even the national highways Authority nowadays are creating underpasses in every possible places and people are not expected to cross these national highways in a casual manner. Be that as it may, the practical realities in our country is very well known to every driver. Therefore, merely because he is driving along the highway, the accused could not have still been rash and caused the accident. Therefore, it cannot be said that the entire mistake was only on the person crossing the road and therefore, I am unable to interfere with the finding of



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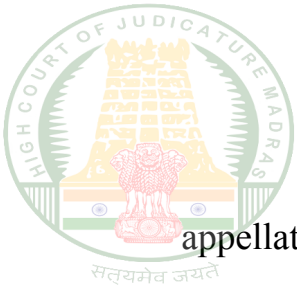
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guilt by the trial Court as well as the lower appellate Court. But however, the said argument of the learned counsel for the petitioner can certainly be taken into account for considering the quantum of punishment. It can be seen that the petitioner was driving his vehicle obviously in a speed that is permitted to be driven in a National Highway as that of Salem - Athur road. Obviously, the manner of accident is vividly spoken to by the eyewitnesses also. It can be seen that the victim was crossing the road and therefore, taking into account all the above factors and the petitioner is now aged 36 years and he was in custody for about 9 days, in the instant case, I am of the view that, the period of imprisonment alone can be modified as the period of sentence already undergone and the fine amount shall remain the same. It is also stated that the fine amount is already paid.

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

(i) The conviction of the petitioner for the offence punishable under Section 279 and 304(A) of IPC by the judgement of trial Court in C.C.No.267 of 2020 dated 30.12.2022 and confirmed by the appellate Court in Crl.A.No.17 of 2023 dated 22.09.2023 shall stands confirmed.

(ii) The fine amount imposed by the trial Court and confirmed by the



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appellate Court shall also stand confirmed and the fact that it is already paid is recorded.

(iii) As far as the sentence of imprisonment in respect to both the offenses are concerned, the same stands modified as the period of imprisonment already undergone.

(iv) No costs.

13.08.2025

Neutral Citation: No
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To
1.The Inspector of Police,
Yethapur Police Station,
Salem.

2.I Additional District and Sessions at Salem.

3. Judicial Magistrate No.I at Attur.

4. The Public Prosecutor,
Madras High Court.



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D.BHARATHA CHAKRAVARTHY, J.

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