



Crl.R.C.No.341 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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Senthilkumar

.. Petitioner

Versus

State Rep by,
Inspector of Police,
Ammamet Police Station,
Salem District.
Crime No.575 of 2017.

.. Respondent

Prayer : Criminal Revision Case is filed under Section 397 & 401 of Cr.P.C./ under Section 438 r/w 422 of BNSS Act to set aside the judgment passed in C.C.No.165 of 2017, dated 30.01.2023 on the file of the learned Judicial Magistrate No.V, Salem confirmed in C.A.No.33 of 2023, dated 04.01.2025 on the file of the learned III Additional District Judge, Salem.

For Petitioner : Mr.T.Muruganantham

For Respondent : Mr.J.Subbiah,



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Government Advocate (Crl. Side)



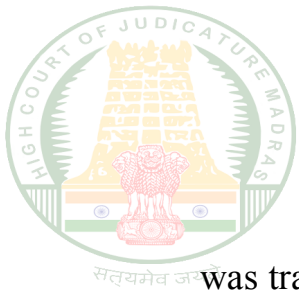
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ORDER

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This Criminal Revision Case is filed challenging the judgment of the learned III Additional District Judge, Salem, dated 04.01.2025 made in Crl.A.No.33 of 2023. By the said judgment, the conviction and sentence imposed on the petitioner/accused by the Trial Court, was confirmed. By the judgment, dated 30.01.2023, the learned Judicial Magistrate No.V, Salem found the petitioner/accused guilty of the offence under Section 279 of the Indian Penal Code and imposed a fine of Rs.1,000/- and in default, to undergo Simple Imprisonment for one month; for the offence under Section 337 of the Indian Penal Code, imposed a fine of Rs.500/- and in default, to undergo one month Simple Imprisonment and for offence under Section 304-A of the Indian Penal Code, to undergo one year Simple Imprisonment.

2. The case of the prosecution is that on 27.08.2017, at 8.30 A.M, the accused drove a lorry bearing registration No.KA 01 AH 2030 in a high speed without noticing the barricade and dashed against the deceased who



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was travelling in a TVS Jupiter two wheeler bearing registration No.TN 54 J 5274 and thereby, caused death of the mother of the *de facto* complainant and injuries to the father of the *de facto* complainant. On the strength of the said allegation, a case in Crime No.575 of 2017 was registered. *P.W.8* took up the case for investigation, completed the investigation and laid a Final Report. The case was taken on file. The petitioner/accused were summoned. Copies were furnished and questioned. The petitioner/accused denied the charges and stood trial. In order to bring home the charges, the prosecution examined *P.W.1* to *P.W.9* and ***Ex.P-1*** to ***Ex.P-9*** were marked. Upon being questioned about the material evidence on record under Section 313 of the Code of Criminal Procedure, the petitioner/accused denied the same. Thereafter, no evidence was let in on behalf of the defence. The Trial Court considered the case of the prosecution and that of the petitioner/accused and found the petitioner/accused and sentenced as aforesaid. The Appellate Court also re-appreciated the evidence and confirmed the conviction and sentence.

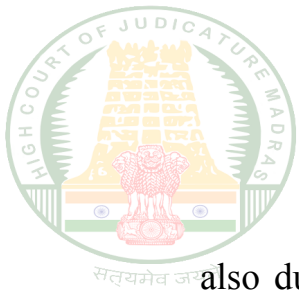


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3. *Mr.T.Muruganantham*, the learned Counsel for the petitioner, would submit that firstly, the case of the prosecution is that the petitioner drove the vehicle in a rash and negligent manner, hit against the barricade and thereafter, hit the motor cycle of the deceased. The so-called eye witnesses have spoken about the same. However, the observation mahazar and the rough sketch does not disclose any barricade being present there. Even the Investigating Officers specifically denied that there was any barricade or that the petitioner's lorry hit against any barricade. Under the said circumstances, it can be seen that from the manner of the accident which happened in the middle of the National Highway, the negligence was only on the part of the deceased to have suddenly come to the middle of the road resulting in the accident without noticing the lorry which is coming.

4. Per *contra*, *Mr.J.Subbiah*, learned Government Advocate (Crl. Side) would submit that the prosecution has examined the eye witnesses and has



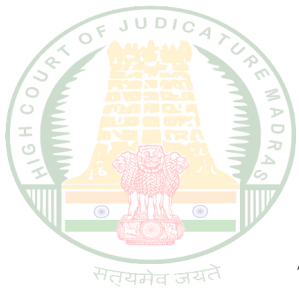
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also duly proved the charge beyond any doubt. The accident happened at 8.00 A.M and therefore, there were eye witnesses.

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

6. Though, to an extent, the evidence on record i.e., the observation mahazar, rough sketch, evidence of the Investigating Officer and *P.W.4*, eye witness differ with reference to the presence of a barricade and also whether the vehicle driven by the petitioner/accused hit against the barricade and thereafter, hit the deceased or not, the fact remains that the deceased was travelling in a two wheeler and the vehicle of the petitioner/accused came from behind in the same direction. Therefore, it cannot be said that there is no culpable rashness and culpable negligence on the part of the petitioner/accused.



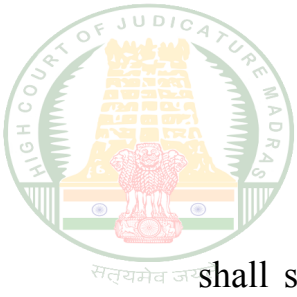
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7. However, if the prosecution has proved that there was a barricade and without even noticing the same, the vehicle was driven, then, the rashness and the culpable negligence would be writ large. Therefore, taking into account the nature of accident that was happened in the middle of the National Highway and the fact that the prosecution did not prove with reference to the barricade, while holding the petitioner/accused of the offences, I am of the view that the sentence has to appropriately consider by considering the nature of accident. For the reasons aforementioned, I am of the view that the sentence of imprisonment can be reduced to 10 days.

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

(i) The conviction of the petitioner/accused for the offences under Section 279, 337, 304-A of the Indian Penal Code by the Trial Court vide the judgment, dated 30.01.2023 in C.C.No.165 of 2017 and confirmed by the Appellate Court, by the judgment, dated 04.01.2025 in C.A.No.33 of 2023,



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shall stand confirmed. The fine amounts, as imposed by the Trial Court, shall stand confirmed and the fact that they are already paid, is also recorded.

(ii) As far as the sentence of imprisonment is concerned, the same is modified and reduced to 10 days Simple Imprisonment.

(iii) The petitioner/accused shall surrender before the Trial Court within three weeks from the date of receipt of a web-copy of this order.

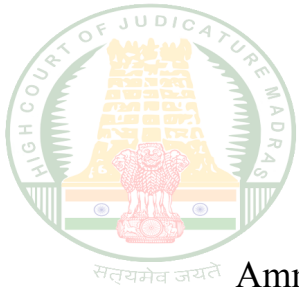
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Neutral Citation : no
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To

1. The III Additional District Judge,
Salem.
2. The Judicial Magistrate No.V,
Salem.
3. The Inspector of Police,

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WEB COPY Ammapet Police Station,
Salem District.

4. The Public Prosecutor,
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY, J.,

grs

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