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Crl.RC.No.722 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2025

CORAM

THE HONOURABLE Mr.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.RC.No.722 of 2025

Sridhar

.. Petitioner

Vs.

State
represented by
The Inspector of Police,
TIW Police Station,
Salem.

.. Respondent

Prayer: Criminal Revision Case filed under Section 438 r/w 442 of B.N.S.S 2023, to set aside the judgment passed in Crl.A.No.94 of 2024 dated 31.01.2025 by the learned I Additional Sessions Judge, Salem District confirming the Judgement passed in CC.No.76 of 2015 dated 27.03.2024 by the learned Judicial Magistrate No.II, Salem.

For Petitioner : Mr.M.Marimuthu

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)

ORDER

This Criminal Revision is filed against the judgement of the learned Judicial



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Magistrate II, Salem, dated 27.03.2024 made in C.C.No.76 of 2015 and the judgement of the learned I Additional District and Sessions Judge dated 31.01.2025 made in Crl.A.No.94 of 2025.

2. By the judgment dated 27.03.2024, the trial Court convicted the petitioner/accused as follows:

<i>Offence</i>	<i>Sentence</i>
Section 279 of the Indian Penal Code	sentenced to undergo one month simple imprisonment and to pay a fine of ₹1,000/- and in default of payment of fine, to undergo one week simple imprisonment;
Section 338 of the Indian Penal Code	sentenced to undergo two months simple imprisonment and to pay a fine of ₹1,000/- and in default of payment of fine, to undergo one week simple imprisonment;
Section 304(A) of the Indian Penal Code	to undergo one year simple imprisonment and to pay a fine of ₹5,000/- and in default of payment of fine, to undergo one week simple imprisonment.

3. The case of the prosecution is that on 08.06.2012, at about 7:30 p.m. on the Meyyanur Main Road in front of a shop known as "Indian Batteries", the accused drove a Mahindra Pick Up Van bearing Registration No.TN 30 AF 9497 in a rash and negligent manner and hit and dashed against a two wheeler bearing Registration No.TN 31 T 0178 causing grievous injuries to the rider of the two wheeler and death of the pillion rider.



4. After the accident, a case was registered in Cr.No.355 of 2012 and the investigation was completed and a final report was filed proposing the accused guilty of the aforesaid offences. The accused denied the allegations and stood trial. In order to bring home the charge, the prosecution examined P.W.1 to P.W.6 and marked Ex.P1 to Ex.P10. Upon being questioned under Section 313 of the Code of Criminal Procedure, the accused denied the material evidence as false. Thereafter, no evidence was let in on behalf of the defence.

5. Considering the evidence of the injured witness who was examined as P.W.2 and the rough sketch and the other evidences on record proving the manner of the accident, the trial Court held that the prosecution had proved the offences beyond any reasonable doubt and convicted the petitioner as stated in the paragraph no.2, *supra*. Aggrieved thereby, the petitioner filed the above Crl.A.No.94 of 2024 and the Lower Appellate Court, after re-appreciation of evidence, confirmed the conviction and sentence against the accused as against which the present revision is filed.

6. Even though the learned counsel appearing for the petitioner/accused commenced his arguments on the merits of the charges, upon this Court pointing out the evidence of the injured witness and the other witnesses and the other evidences on record, the learned counsel argued with reference to the question of sentence. I also considered the arguments of the learned Government Advocate (Criminal side).



7. With reference to the question of sentence, I take into consideration the following facts:

(i) In this case, it must be seen that the accident took place in the evening at about 7:30 p.m. in a busy junction in the Salem city where it leads from five roads to two roads.

(ii) The second factor which I take into account is the manner in which the two wheeler was ridden and the Pick Up van was driven and upon considering the same, it can be seen that in order to wade through the traffic command, the pick up van had swerved extra to the right and it is a human error in not judging the distance of the two wheeler and causing the accident and it is not because of any aggravated or egregious contact. Secondly, the accused also immediately stopped the vehicle and the van was taken to the police station and in this case, he was even arrested and kept in custody for a period of four days immediately after the incident and the same is also taken into account.

(iii) The third factor which I take into account is that the accident happened in the year 2012 and the petitioner/accused has been facing the proceedings all along for the past 13 years.

(iv) The fourth factor which I take into account is that after dismissal of the appeal, once again, the accused was taken into prison and he served for another six days, in all totalling to ten days and the same is also taken into account. The accused is now aged 36 years and he is also having a two month old



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baby and he is eking out his livelihood in a lawful manner and it is stated that there is no other case as against the accused.

8. Considering all the above, I am of the view that while confirming the conviction and the sentence of fine as imposed by the trial Court, the substantive sentence of imprisonment can be alone modified as one of the period already undergone. In view thereof, this Criminal Revision Petition is partly allowed on the following terms:

(i) The conviction of the petitioner for the offences under Sections 279, 338 and 304(A) of IPC by the judgement of trial Court dated 27.03.2024 in C.C.No.76 of 2015 and as confirmed by the Appellate Court in judgment dated 31.01.2025 in Cr.A.No.94 of 2024 shall stand confirmed.

(ii) The punishment relating to the imposition of fine is also confirmed and the fact that the fine amount was already paid is also recorded.

(iii) As far as the sentence of imprisonment is concerned, the same is modified as one of the period already undergone.

10.11.2025

ssa

Index : Yes/No

Neutral Citation : Yes/No

To

1.The Inspector of Police,
TIW Police Station,

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- 2.The I Additional Sessions Judge, Salem.
- 3.The Judicial Magistrate No.II, Salem.
- 4.The Public Prosecutor, High Court, Madras.



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D.BHARATHA CHAKRAVARTHY.J.,

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