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Crl.R.C No.389 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.08.2025

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C No.389 of 2025

and

Crl.M.P No.4082 of 2025

Vasu

... Petitioner

..Vs.

State Rep.by

The Inspector of Police,

Palaiyur Police Station,

Cr.No.91 of 2021

... Respondent

Prayer: This Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, 2023, to set aside the judgment dated 06.09.2024 passed in Crl.A.No.14 of 2023 by the District Judge, Mayiladuthurai, confirming the order of the learned Judicial Magistrate No.2, Mayiladuthurai, in C.C No.13 of 2021 dated 28.08.2023 convicting the petitioner/accused under Section 279 IPC to pay a fine of Rs.1000/-, in default to undergo one week simple imprisonment and under Section 304(A) of IPC to undergo one year simple imprisonment.

For Petitioner : Mr.R.Shivakumar
for M/s.K.M.Vijayan Associates

For Respondent : Mr.A. Gopinath
Government Advocate (Crl.Side)

ORDER



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This criminal revision has been filed as against the judgment dated 06.09.2024 passed in Crl.A.No.14 of 2023 by the learned District and Sessions Judge, Myladuthurai, thereby confirmed the order of conviction and sentence imposed by the trial Court / Judicial Magistrate No.II, Myladuthurai, for the offences under Sections 279 and 304(A) of IPC.

2. The case of the prosecution was that on the date of occurrence, while the father of the complainant was returning to his shop from his house in his two wheeler bearing Registration No.TN 51 R 4448 at S.Puthur Salai, in the opposite direction from Puthur to Vadamattam Road, the accused came in a motorcycle bearing Registration No.TN 51 K 3991 in a rash and negligent manner and dashed against the father of the complainant. Therefore, both sustained injuries and they were taken to hospital. Unfortunately, the complainant's father died on the next day and hence, a complaint has been lodged. On receipt of the complaint, a case was registered in Crime No.91 of 2021 for the offences punishable under Sections 279 and 304(A) of IPC. After completion of investigation, the respondent filed a final report and the same was taken cognizance. In order to bring home the charges, the prosecution had examined PW1 to PW9 and marked Ex.P1 to Ex.P10. On the side of the accused, they have



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marked Ex.D1 to D3. On perusal of the oral and documentary evidence, the trial Court found the accused guilty for the offences punishable under Sections 279 and 304(A) of IPC and sentenced him to pay a fine of Rs.1000/-, in default to undergo one week simple imprisonment for the offence under Section 279 of IPC and to undergo one year simple imprisonment for the offence under Section 304(A) of IPC. Aggrieved by the same, the petitioner preferred an appeal and the same was also dismissed confirming the order passed by the trial Court. Hence, the present revision is filed.

3. The learned counsel for the petitioner would submit that there was no eye witness to the occurrence. In fact, the petitioner had also sustained grievous injuries. Both the deceased and the petitioner were taken to the hospital by the same Ambulance. Therefore, no one had spoken that the petitioner had driven his motorcycle in a rash and negligent manner. Without considering the same, the trial Court had mechanically convicted the petitioner.

4. The learned Government Advocate (Crl.Side) submitted that though there was no eye witness, the petitioner had driven his vehicle in



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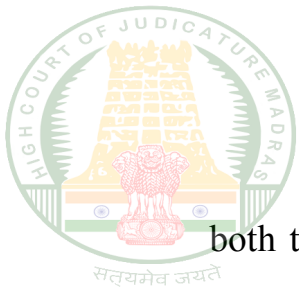
a rash and negligent manner and hit against the complainant's father and thereby, he sustained injuries and died on the way to the hospital. Both the vehicles were subjected for motor vehicle inspection and the MVI report revealed that there was no mechanical defect. The accident was caused due to the rash and negligent driving of the petitioner and as such both the trial Court and the appellant Court convicted the petitioner.

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5. Heard the learned counsel on either side and perused the materials available on record.

6. The accident was happened in the middle of the road, when the deceased was riding his motorcycle on the way to his shop from his home. On the very same road of the opposite direction, the petitioner had driven his motorcycle and both of them dashed against each other and both had sustained injuries. Unfortunately, the complainant's father died on the way to the hospital. There was no eye witness. All the witnesses were hearsay witnesses.

7. On perusal of the records the way in which the accident took place revealed that the accident was happened due to the negligence of



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both the deceased and the petitioner. It was also confirmed by the MVI report saying that both the vehicles were intact and the accident was not happened due to any mechanical defect. Therefore, the petitioner alone cannot be blamed for the accident, when there is no evidence to show that the petitioner had driven his motorcycle in a rash and negligent manner. Without considering the above facts and circumstances of the case, both the trial Court and the appellate Court had mechanically convicted the petitioner. Therefore, the orders passed by both the trial Court and the appellate Court cannot be sustainable and the same are liable to be set aside.

8. In view of the above, the judgment dated 06.09.2024 passed in C.A No.14 of 2023 by the appellate Court / learned District Judge, Mayiladuthurai, confirming the order of conviction and sentence dated 28.08.2023, imposed by the trial Court / Judicial Magistrate No.II, Mayiladuthurai, in C.C No.13 of 2021, for the offences under Sections 279 and 304(A) of IPC are hereby set aside and the petitioner is acquitted of all charges in C.C No.13 of 2021 on the file of the learned Judicial Magistrate No.II, Mayiladuthurai. Fine amount, if any paid, shall be refunded to the petitioner forthwith. Bail bonds, if any executed, shall



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stand cancelled.

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9. Accordingly, this Criminal Revision Case is allowed.

Consequently, connected miscellaneous petition is closed.

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Index: Yes/No
Internet: Yes/No
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To

1. The District Judge, Mayiladuthurai
2. The Judicial Magistrate No.II, Mayiladuthurai,
3. The Inspector of Police,
Palaiyur Police Station,
4. The Public Prosecutor,
High Court of Madras, Chennai.



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G.K.ILANTHIRAIYAN,J

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