



Crl.RC.No.508 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2025

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THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.RC.No.508 of 2024

Suresh Kumar

...Petitioner

Vs.

State:Inspector of Police,
Sangagiri Police Station,
Salem District.

(Crime No.255 of 2019)

...Respondent

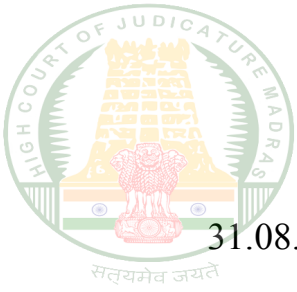
This Criminal Revision is filed under Section 397 r/w 401 of Code of Criminal Procedure, 1973 to call for the entire records on the file of the learned Principal Sessions Judge, Salem District dismissing the Criminal Appeal in C.A.No.171 of 2023 on 24.01.2024 confirming the conviction and sentence passed by the learned Trial Court Judicial Magistrate No.1, Sangaragiri, Salem District in C.C.No.73 of 2020 dated 31.08.2023 and set aside the dismissal order passed by the learned Principal Sessions Judge, Salem District in C.A.No.171 of 2023 dated 24.01.2024.

For Petitioner : M/s.K.M.Balaji

For Respondent : Mr.J.Subbiah, GA (Crl. Side)

ORDER

This Revision is filed challenging the judgment of the Principal Sessions Judge, Salem dated 24.01.2024 made in Criminal Appeal No.171 of 2023, thereby confirming the conviction and sentence imposed by trial Court (Judicial Magistrate No.I Sangagiri, Salem District) dated



Crl.RC.No.508 of 2024

31.08.2023 made in CC.No.73 of 2020. By the said judgement, the trial

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Court found the petitioner accused guilty of an offence under Section 279 of Indian Penal Code and sentenced him to undergo six months simple imprisonment and to pay a fine of Rs.1,000/- and in default payment of fine to undergo two months simple imprisonment ; of an offence under Section 304(A) of IPC and sentenced to undergo two years simple imprisonment and to pay a fine of Rs.1,000/- and in default of payment of fine, to undergo two weeks simple imprisonment ; of an offence under Section 3 r/w. 181 of the Motor Vehicles Act, 1988 and to pay a fine of Rs.5000/- and in default of payment of fine to undergo two weeks simple imprisonment.

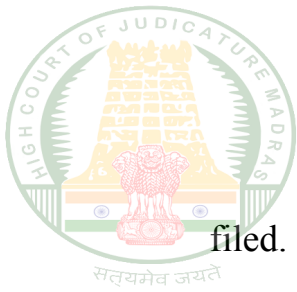
2. The case of the prosecution is that on 19.08.2019 at about 8.15 p.m near the Vasantham Colony bus stop in the Bhavani to Sangagiri road, the deceased victim was riding his two wheeler Hero Honda Passion Pro bearing Registration No.TN 54 E 2985 from Bhavani side towards Sangagiri side. The accused drove the Honda Amaze car in a rash and negligent manner from the direction of Sangagiri towards Bhavani and dashed against the deceased resulting in injuries to the deceased and the deceased succumbed to injuries on the way to the



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Hospital. Accordingly, a case was registered in Crime No.255 of 2019 and was taken up for investigation. P.W.7 completed the investigation and laid a final report proposing the accused guilty of the offence under Sections 279, 304A of Indian Penal Code and Section 3 r/w. 181 of the Motor Vehicles Act, 1988. The case was taken on file, summons was issued and copies were furnished to the accused. Upon being questioned, the accused denied the allegations and stood trial. In order to bring home the charges, the prosecution examined PW.1 to P.W.7 and marked exhibits P.1 to P.11. Upon being questioned about the incriminating evidence on record under Section 313 of the Code of Criminal Procedure, the accused denied the same. Thereafter, no evidence was let in on behalf of the defence.

3. The trial Court proceeded to hear the arguments of the Assistant Public Prosecutor and the learned counsel for the accused and by the judgement dated 31.08.2023 found the accused guilty of all the offences and sentenced him as above. Aggrieved by the above, the Criminal Appeal No.171 of 2023 and the Appellate Court after re- appreciating the entire evidence, confirmed the finding of guilt and the sentence as imposed by the trial Court. Aggrieved by which, the present revision is



Crl.RC.No.508 of 2024

filed.

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4. Mr.K.M.Balaji, the learned counsel appearing on behalf of the petitioner would submit that in this case P.W.1 was examined by the prosecution as the eyewitness. However in the cross examination, he turned out only to be an ocular witness, as he himself admitted that he turned around and saw after hearing the sound and therefore, he did not see the rash and negligent driving of the petitioner. However, it can be seen that he has mentioned as if the deceased was riding his Passion Pro motorcycle at the edge of the road in the mud portion. However, the rough sketch that is filed by the prosecution themselves would indicate that the accident happened almost near the middle of the road. Therefore, the learned counsel would submit that this case gives rise to a reasonable doubt as to whether the petitioner accused drove the vehicle in a rash and negligent manner or whether the deceased suddenly swerved to his right and came to the centre of the road resulting in the head-on collision. Therefore, he would pray this Court to acquit the petitioner.

5. Per contra the learned Government Advocate (Crl.Side) would submit that the eye witnesses P.W 2 and PW 3 have spoken about the



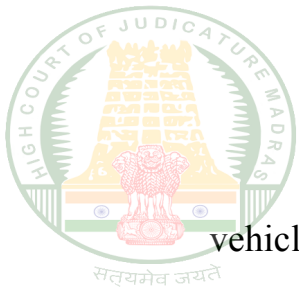
Crl.RC.No.508 of 2024

rash and negligent manner. The prosecution has proved the fact that it is the petitioner who drove the vehicle in a rash and negligent manner beyond any reasonable doubt and therefore, the same does not call for any interference by this Court.

6. Upon specific queries by this Court, it is confirmed by the learned Government Advocate (Crl.Side) that this petitioner is not involved in any other criminal case either prior to the occurrence or subsequent to the occurrence. The petitioner had already undergone imprisonment for a period of nine days.

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

8. It is true that on a perusal of the rough sketch that is marked as Ex.P4, is the spot of the accident is mentioned almost in the middle portion of the road and therefore, the version of the P.W.2 that the deceased was riding in the edge of the road in the mud portion by itself can be doubted. But, however it can be seen that the witnesses have categorically deposed that after hitting against the bike, the accused



vehicle further went ahead and dashed against the parapet wall of the petrol pump and then only stopped. Therefore, even though there was any contribution for the accident by the deceased or not is a question, but at the same time, on the overall consideration of the manner of accident, it is clear that the accused had also driven the vehicle in a high speed unable to control even after dashing with the two wheeler of the deceased. Therefore, I am not able to agree with the learned counsel with reference to the said argument, so as to acquit the accused in exercise of the revisionary jurisdiction. However, the said factor can very well be considered for the purpose of considering the quantum of punishment. The manner of accident can now be determined by this Court by the overall evidence.

9. It is true that the deceased was coming on the other side of the road has also swerved through his right to an extent but at the same time, the road is of two way traffic. It is also Sangagiri to Bhavani main road. Now, the petitioner is aged 39 years. He has already been in custody for a period of nine days. Therefore, I am of the view that when the fine amount is already paid, considering the manner of accident and the fact that the petitioner was sufficiently made to realise the seriousness of his



Crl.RC.No.508 of 2024

act by directing him to surrender into custody after the appeal was disposed and releasing him after nine days, the petitioner has also shown remorse since then. It can be seen that the accused has a valid licence. The copy of the said licence bearing No.2220050001767 is produced before the Court.

10. It is the contention of the learned counsel that he has produced copies of the said licence both before the Investigating Officer and also to his counsel. The veracity of the license is not doubted, but however the same was not marked and in view of the above, even though it is not marked at the present stage, the license is not disputed by the prosecution. The accused is acquitted of the charge under Section 3 r/w. Section 181 of the Motor Vehicles Act, 1988. In view of all the above, I am of the view that, the sentence of imprisonment alone can be modified as one of period already undergone and the fine amount in respect of the offence under Section 304(A) of IPC can be increased from Rs.1,000/- to Rs.6,000/- .

11. In view thereof, this Criminal Revision is allowed in part on the following terms.



Crl.RC.No.508 of 2024

(i) The conviction of the accused for the offence under Section 3

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r/w. 181 of Motor Vehicles Act by the judgment of the trial Court dated 31.08.2023 in C.C.No.73 of 2020 and the Appellate Court dated 24.01.2024 in C.A.No.171 of 2023 are set aside and accused is acquitted of the charge.

(ii) The conviction of the accused in respect of the offence under Sections 279 and 304 (A) of Indian Penal Code shall stand confirmed and the sentence of imprisonment that is imposed by the trial Court is modified as one already undergone. The fine amount imposed as Rs.1,000/- for the offence under Section 304(A) of IPC is modified and increased as Rs.6,000/-.The fine amount already paid by the accused in respect of the other offence under Section 3 r/w. Section 181 of Motor Vehicles Act, 1988 can be adjusted in respect of the same. The fact that the accused has paid the fine amount in respect of the offence under Section 279 of IPC is also recorded.

13.08.2025

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NCC

: Yes / No

D.BHARATHA CHAKRAVARTHY.J.,

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Crl.RC.No.508 of 2024

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To

1. The Inspector of Police,
Sangagiri Police Station,
Salem District.
2. Principal Sessions Judge, Salem District
3. The Judicial Magistrate No.1, Sangaragiri, Salem District
4. The Public Prosecutor,
High Court of Madras.

Crl.RC.No.508 of 2024

13.08.2025