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Crl.R.C.No.633 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.No.633 of 2024

Aruldass @ Madhevaiyya

... **Petitioner**

Vs.

The State represented by
The Inspector of Police
Kadathur Police Station
Erode District.
(Crime No.25/2013)

... **Respondent**

Prayer: Criminal Revision Case filed under Section 397 and 401 of Cr.P.C., to set aside the Judgment and conviction imposed in the judgment dated 23.11.2023 made in C.A.No.93/2023 on the file of the learned III Additional District and Sessions Judge, Gobichettipalayam, by confirming the Judgment of conviction passed in C.C.No.45/2013 dated 28.04.2022 by learned Judicial Magistrate No.II of Gobichettipalayam by allowing the Criminal Revision Petition throughout by acquitting the petitioner.

For the Petitioner : Mr.S.Bharanidharan

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



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ORDER

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This Criminal Revision Case is filed against the Judgment of the learned Judicial Magistrate No.II, Gobichettipalayam, dated 28.04.2022 made in C.C.No.45 of 2013 and the Judgment dated 23.11.2023 made in C.A.No.93 of 2023 by the learned III Additional District and Sessions Judge, Gobichettipalayam. By the aforesaid Judgment dated 28.04.2022, the Trial Court found the petitioner guilty of an offence under Section 279 of IPC and sentenced to undergo six months simple imprisonment and to pay the fine amount of Rs.1,000/-, in default to undergo one month simple imprisonment and for the offence under Section 304 (A) of IPC to undergo two years rigorous imprisonment and to pay the fine amount of Rs.2,000/-, in default to undergo one month simple imprisonment. The sentences were ordered to run concurrently. The said findings and the sentence was confirmed by the first Appellate Court. As against which, the present Criminal Revision Case is filed.

2. The case of the prosecution is that on 21.01.2013 at about 16.40 hours, the accused drove the Maruthi Omni Van bearing registration No.TN 36 F 6595 on the Sathy-Gobi Main Road, from east to west in a rash and negligent manner and dashed against the deceased – *Nanjammal*, who was sitting in front of the tea shop and subsequently, the said *Nanjammal*



succumbed to injuries.

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3. On the said allegations, a case in Crime No.25 of 2013 was registered and was taken up for investigation by P.W.18 – Thavamani, Inspector of Police. After completion of investigation, a final report was filed proposing the petitioner/accused guilty of the aforesaid offences and the same was taken on file as C.C.No.45 of 2012. Upon questioning, the accused denied the imputations and stood trial. In order to bring home the charges, witnesses – P.Ws.1 to 18 were examined and documents – Exs.P.1 to 8 were marked.

4. The Trial Court thereafter considered the case of the prosecution and that of the accused, on the basis of the evidence of the eyewitness P.Ws. 8 and 9. The Trial Court by the judgment dated 28.04.2022 found the accused guilty of the aforesaid offences and sentence as above.

5. Aggrieved against the said judgment, the accused filed an appeal in C.A.No.93 of 2023, which was also dismissed, confirming the conviction and sentence imposed by the Trial Court and hence this Criminal Revision.

6. Even though the learned counsel for the petitioner started arguing on the merits of the case to contend that none of the eyewitnesses have spoken



about the manner in which the accident had happened, upon questioning by this Court that the accused didn't even cross examine these two eyewitnesses, the learned counsel argued on the question of sentence, the learned counsel submitted that the accused is now aged about 44 years and is eking out is livelihood at Tiruppur, by doing lawful labour. He is the sole breadwinner of his family, consisting of wife and two children. It is also pleaded that on behalf of the deceased, the dependents, viz., her brother and her family members had filed claim petition and the compensation was also awarded. The deceased was also mentally ill and therefore, there is a probability that she is sitting in the road and having tea cannot also be ruled out, therefore the learned counsel would pray that the petitioner need not be inflicted with any punishment of imprisonment. If a minor amount is ordered to be paid, the petitioner will also pay the same as an additional compensation.

7. *Per contra*, Mr.Vinoth Kumar, learned Government Advocate (Crl. Side) would submit that with reference to the question of sentence, the petitioner was never arrested. As a matter of fact, as per the earlier directions of the Court, the Probationary Officer's report is also obtained. He would also confirm that the compensation was obtained by the family members of the deceased.



8. I have considered the rival submissions made on either side and perused the material records, with reference to the question of sentence. The following are taken into account.

(i) With reference to the manner of accident, while P.W.2 states that he had parked his cycle near the Eswaran temple and had gone to collect money and when he returned, he couldn't find the cycle and had seen the same under an Omni van and a lady was also injured and was found to be bleeding. However, the eyewitnesses, P.Ws. 8 and 9 could not speak anything about how the cycle went inside the wheel. They simply said that the vehicle was driven in the extreme right hand side and hit against the deceased – *Nanjammal*, who was sitting in front of a tea shop.

(ii) It can be seen that there is no evidence of any aggravated act on the part of the petitioner depicting any egregious conduct. The fact that the deceased was also mentally not well and the manner in which she would have been sitting in front of the tea shop was also not clearly spoken by the witnesses.

(iii) There is no other antecedents as against the accused and is said to be reaching out his livelihood by working in a hosiery in Tiruppur.

(iv) The Probationary Officer's report states that the accused has a regular place of residence and since he is leading a lawful life, the Probationary Officer is of the opinion that an opportunity can be given to the



accused to lead a lawful life. The same is taken into account.

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9. As undertaken before this Court, while executing the bond, the petitioner / accused shall pay a sum of Rs.15,000/-, of which a sum of Rs.10,000/- shall be paid out to the brother of the deceased, who will receive the said amount on behalf of the entire dependent family and a sum of Rs.5,000/- shall be paid out to the P.W.2 – Ayyasamy, who lost his cycle, due to the accident.

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

(i) The conviction imposed on the petitioner, for the offences under Section 279 and 304(A) of IPC as per the judgment of Trial Court dated 28.04.2022 and the Appellate Court judgment dated 23.11.2023 in C.A.No.93 of 2023 shall stand confirmed;

(ii) However, without proceeding to sentence, after admonition, the accused is released on probation, under the provisions of the Probation of Offenders Act, on the following condition that:

(a) within a period of 3 (three) weeks from the date of receipt of a website uploaded copy of this order, the petitioner / accused shall deposit a sum of Rs.15,000/- to the file of the Court of Judicial Magistrate No.II,



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Gobichettipalayam, and also execute a bond of good conduct and keep up the good conduct. Failing which the accused shall appear before this Court to take the sentence;

(b) As and when the amount is deposited by the petitioner / accused, the Trial Court shall disburse the said amounts as stated above.

24.11.2025

Neutral Citation : No

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To

1. The III Additional District and Sessions Judge,
Gobichettipalayam.

2. The Judicial Magistrate No.II of Gobichettipalayam.

3. The Inspector of Police
Kadathur Police Station
Erode District.

4. The Public Prosecutor
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY, J.

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