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Crl.RC.No.574 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.RC.No.574 of 2023

Marimuthu

... Petitioner

Versus

State rep. By
The Inspector of Police,
Kunnathur Police Station,
Crime No.491 of 2016,
Tiruppur District

... Respondent

PRAYER: Criminal Revision has been filed under Sections 397 and 401 of the Code of Criminal Procedure praying to call for the records relating to the conviction imposed in the judgment dated 23.02.2023 made in CA.No.73 of 2022 on the file of the learned Principal Sessions Court, Tiruppur confirming the conviction imposed in the judgment dated 03.06.2022 made in CC.No.25 of 2019 on the file of the learned District Munsif cum Judicial Magistrate, Uthukuli (old CC.No.272 of 2016 on the file of the Judicial Magistrate, Avinashi) and set aside the same by allowing this criminal revision petition.

For Petitioner : Mr.N.Manoharan



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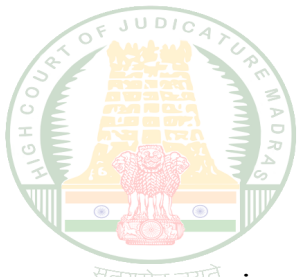
Crl.RC.No.574 of 2023

For Respondent : Mr.A.Gopinath,
Government Advocate(crl.side)

ORDER

This criminal revision has been preferred against the judgment passed in C.A.No.73 of 2022 dated 23.02.2023 on the file of the learned Principal Sessions Court, Tiruppur thereby confirming the conviction and sentence imposed by the trial court in CC.No.25 of 2019 dated 03.06.2022 on the file of the learned District Munsif cum Judicial Magistrate, Uthukuli for the offence punishable under Sections 279 and 304A of IPC.

2. The case of the prosecution is that on 11.10.2016 at about 07.40 a.m., when the deceased was proceeding by his motorcycle bearing registration No.TN 39 AZ 3427 from south to north near Pudhupalam in Kunnathur to Gobi Road, the petitioner proceedings in the same road in the opposite direction i.e. from north to south by 407 Milk Van bearing registration No.TN 33 AR 4052 in a rash and negligent manner, dashed against the deceased vehicle, due to which the deceased sustained



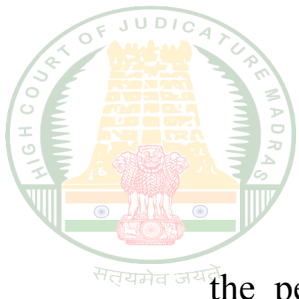
Crl.RC.No.574 of 2023

WEB COPY

grievous injuries and died.

3. On the side of the prosecution, they had examined P.W.1 to P.W.11 and marked Ex.P1 to Ex.P10. On the side of the petitioner, no one was examined and no documents were marked. On the basis of the oral and documentary evidence, the trial court found the petitioner guilty for the offences punishable under Sections 279 and 304A of IPC and sentenced him to undergo simple imprisonment for a period of one month and to pay a fine of Rs.1,000/- under Section 279 of IPC and to undergo one year simple imprisonment and to pay a fine of Rs.10,000/- under Section 304(A) of IPC. Aggrieved by the same, the petitioner preferred appeal and the same was dismissed and confirmed the judgment of conviction and sentence imposed by the trial court, against which this criminal revision has been filed.

4. The learned counsel for the petitioner would submit that the prosecution failed to establish that the petitioner drove his vehicle in a rash and negligent manner. There is absolutely no evidence to prove that



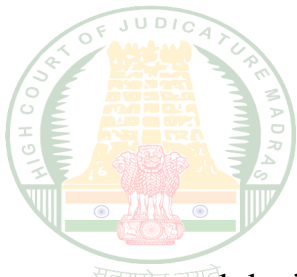
Crl.RC.No.574 of 2023

WEB COPY

the petitioner drove his vehicle in a rash and negligent manner. An eye-witness was examined as PW8. He deposed that the accident happened at the place where he was standing. It was not corroborated by any evidence. Only based on the evidence of PW8, the petitioner was convicted. In fact, he deposed some other's name as driver of the offending vehicle. Further, PW6 and PW8 did not identify the accused. He further submitted that even there was a delay in sending FIR to the Court, which was not explained by the prosecution.

5. Heard, the learned counsel appearing for the petitioner, the learned Government Advocate(crl.side) appearing for the respondent and perused the records produced before this Court.

6. On perusal of records, due to the accident, the deceased sustained grievous injuries and died. The eye-witness was examined as PW8. He deposed that when he was proceeding in his bicycle behind the deceased, the accused drove his vehicle in a rash and negligent manner and came to right side and hit the deceased's vehicle. Further, he was



Crl.RC.No.574 of 2023

WEB COPY

duly identified by the witness and also confirmed by the owner of the vehicle. The owner of the vehicle was examined as PW9, who deposed that the petitioner was the driver of the offending vehicle on the date of the accident. Therefore, the trial court rightly convicted the petitioner and it does not warrant any interference by this Court. However, considering the age of the petitioner and the way in which the accident happened, this Court is inclined to modify the sentence alone.

7. Accordingly the judgment passed in CA.No.73 of 2022 on the file of the learned Principal Sessions Court, Tiruppur dated 23.02.2023 confirming the judgment of the learned District Munsif cum Judicial Magistrate, Uthukuli passed in CC.No.25 of 2019 dated 03.06.2022 is modified as follows:

- (i) The conviction rendered for the offences under Sections 279 and 304(A) of IPC is confirmed.
- (ii) The sentences of imprisonment imposed by the courts below are reduced to the period of nearly 40 days already undergone by the petitioner.



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Crl.RC.No.574 of 2023

(iii) The fine imposed by the courts below are hereby confirmed.

8. Accordingly, the criminal revision stands partly allowed.

03.06.2025

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
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WEB COPY



Crl.RC.No.574 of 2023

To

1.The learned Principal Sessions Court,
Tiruppur

2.The learned District Munsif cum Judicial Magistrate,
Uthukuli



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Crl.RC.No.574 of 2023

G.K.ILANTHIRAIYAN. J,

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Crl.RC.No.574 of 2023

03.06.2025