



Crl.R.C.No.407 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 14.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

Crl.R.C.No.407 of 2021

R. Velayutham

... Petitioner

Vs.

The State Rep. by its,
Inspector of Police,
Thiruppapuliur Police Station,
Cuddalore, Cuddalore District.
Crime No.691 of 2012

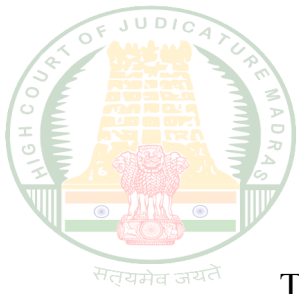
...Respondent

PRAYER: Criminal Revision Petition filed under Sections 397 & 401 of Code of Criminal Procedure Code to call for the records from the Hon'ble First Additional District and Sessions Court at Cuddalore in pursuance to the Criminal Appeal in C.A.No.63 of 2016 and to set aside the order dated 29.03.2019 passed in Criminal Appeal in C.A.No.63 of 2016, modifying the order dated 14.07.2016 passed in C.C.No.30 of 2014 by the Hon'ble Chief Judicial Magistrate at Cuddalore and acquit the petitioner.

For Petitioner : Mr. L. Gavaskar

For Respondent : Mr. J. Subbiah
Government Advocate (Crl. Side)

ORDER



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This criminal revision is filed challenging the judgment of the learned I Additional District and Sessions Court, Cuddalore in Crl.A.No.63 of 2016 dated 29.03.2019, by the which, the conviction of the petitioner by the Trial Court made in C.C.No.30 of 2014 dated 14.07.2016 was confirmed, however the sentence of imprisonment imposed on the petitioner was modified as six months.

2. The Trial Court namely the learned Chief Judicial Magistrate, Cuddalore by a judgment dated 14.07.2016 made in C.C.No.30 of 2014 had found the petitioner guilty under Section 337 of IPC and sentenced to pay a fine of Rs.500/-, in default of payment of fine, to undergo a simple imprisonment for a period of one month; for an offence under Section 304(A) of IPC, the petitioner was sentenced to undergo a simple imprisonment for a period of one year and to pay a fine of Rs.3,000/- and in default of payment of fine, to undergo simple imprisonment for a period of one month.

3. The case of the prosecution is that on 18.09.2012, at about 18:30 Hours when the deceased was riding a motorcycle bearing Registration No.TN-31-AE-6409 and the accused was driving a TATA ACE bearing



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Registration No.TN-31-AC-3006 from the opposite side in the Imperial Road

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at Thiruppapuliur near Mohini Bridge in a rash and negligent manner, dashed against the two wheeler of the deceased and caused the accident. Immediately thereof, the deceased/ two wheeler rider as well as the P.W.1 - pillion rider were taken to hospital, however the deceased succumbed to injuries. Therefore, a case was registered in Crime No.691 of 2012 for the offences under Sections 279, 337 and 304(A) of IPC. P.W.15 - Investigating Officer had completed the investigation and laid the final report proposing the accused guilty of the aforesaid mentioned offences. Upon the case being taken on file, summons was issued to the accused, copies were furnished, upon questioning the accused, he denied the allegations and stood trial.

4. In order to bring home the charge, P.W.1 to P.W.15 were examined on behalf of prosecution and Exs.P.1 to P.10 were marked. Upon being questioned about the incriminating evidence on record under Section 313 of Code of Criminal Procedure, the accused denied the same as false and thereafter, no evidence was let in by the defence.

5. The Trial Court considered the arguments of the learned Additional Public Prosecutor and the learned counsel for the accused and



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found the accused guilty for the offences under Sections 337 and 304(A) of IPC alone and sentenced the petitioner as mentioned above. Aggrieved by the conviction and sentence imposed by the Trial Court, the accused had preferred an appeal in Crl.A.No.63 of 2016, the first Appellate Court after appreciating the evidence confirmed the conviction, however modified the punishment as stated above.

6. Aggrieved by the same, this criminal revision petition is filed by the petitioner.

7. The learned counsel for the petitioner/ accused would submit that P.W.6 - Doctor in his evidence, has spoken about the fact that the deceased was reeking with the smell of alcohol, while he was giving treatment to him, that by itself would show that the negligence was only on the part of the deceased. Apart from that the evidence of P.W.1 was the pillion rider and therefore, he is an interested witness. When the accident is said to have taken place in a busy junction of four roads with so many commercial establishments and people all around, no independent witness was examined by the prosecution. The only person, who was examined as the eye witness is P.W.4, who said to have been riding a two wheeler at a distance of about 100 feet

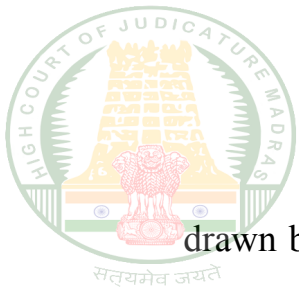


behind the deceased. It is pertinent to note here that his presence is artificial in the scene of occurrence. Secondly, in the cross examination, he has contradicted to his chief examination from the place in which he was riding his two wheeler, the place of accident is not visible at all. Therefore, in the absence of any evidence, the Trial Court and the first Appellate Court have rendered the finding of guilt without any basis what so ever.

8. Per contra, the learned Government Advocate (Crl. Side) would submit that in this case, the pillion rider has categorically deposed that the accused drove the vehicle in a rash and negligent manner and the other eye witnesses were also examined. They have withstood the cross examination, therefore the prosecution has duly proved by medical evidence, that the deceased succumbed only due to the injuries sustained by him in the accident. He further submitted that it is only the petitioner drove the TATA ACE vehicle in a rash and negligent manner and cause the accident.

9. I have consider the rival submissions made on either side and perused the material records of this case.

10. Firstly, the rough sketch, which is marked as Ex.P.9 is clearly

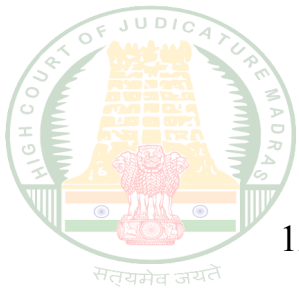


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drawn by the Investigating Officer, on the perusal of the same, it can be seen that the accident is said to have happened in the main road with two V-junctions nearby, it is a very crowded place and the place of accident is categorically marked. When the offending vehicle is proceeding from north to south, the two wheeler, which is being ridden by the deceased should have come on the left hand side of the road only, but the exact marking clearly shows that the accident had taken place almost in the right hand half of the road and therefore, it is clear that the deceased had swerved on the right hand side of the road. Secondly, the P.W.6 - Doctor also spoke about the fact that the alcohol smell was emanating from the deceased. Therefore, these two factors raise a reasonable doubt as to the version of the prosecution has not at all been considered and dealt with by the Trial Court as well as the first Appellate Court.

11. In view of the above, I hold that the findings of the Trial Court as well as the first Appellate Court is made without considering the relevant material and as such this is a case of exercise of revisionary jurisdiction by this Court, therefore the accused is liable to be acquitted by granting him the benefit of doubt.



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12. Accordingly, this criminal revision petition stands allowed, the conviction and sentence imposed on the petitioner/ accused by the Trial Court by judgment dated 14.07.2016 in C.C.No.30 of 2014 as modified by the first Appellate Court by judgment dated 29.03.2019 in Crl.A.No.63 of 2016 is hereby set aside and the fine amount, if any paid is ordered to be refunded.

14.08.2025

Neutral Citation: Yes/No
stn

To

1. The I Additional District and Sessions Judge,
Cuddalore.
2. The Chief Judicial Magistrate,
Cuddalore.
3. The Inspector of Police,
Thiruppapuliur Police Station,
Cuddalore, Cuddalore District.
Crime No.691 of 2012.
4. The Public Prosecutor,
High Court of Madras.

D.BHARATHA CHAKRAVARTHY, J.



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