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Crl.R.C.No.659 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.06.2025

CORAM

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

Crl.R.C.No.659 of 2023

Ravichandran

... Petitioner

Vs.

The State rep. by
Inspector of Police,
Perambalur Police Station,
Perambalur District

...Respondent

Criminal Revision Case filed under Section 397 of Cr.P.C., r/w Section 401 of Criminal Procedure Code to call for the records made in Judgment in C.A.No.27 of 2022 dated 04.03.2023 passed by the learned Principal District and Sessions Judge, Perambalur confirming the judgment and order passed by the Judgment and Order in C.C.No.170 of 2014 dated 20.09.2022 and set aside the same as illegal.

For Petitioner : Mr.M.Velmurugan

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



Crl.R.C.No.659 of 2023

ORDER

WEB COPY

The present Revision has been preferred as against the Judgment passed in C.A.No.27 of 2022 on the file of learned Principal District and Sessions Judge, Perambalur dated 04.03.2023 thereby confirming the conviction and sentence imposed by the trial court in C.C.No.170 of 2014 dated 20.09.2022 on the file of the learned Judicial Magistrate No.I, Perambalur for offence punishable under Section 304A of IPC.

2. The case of the prosecution is that on 31.01.2014 at about 11.30 p.m., while the defacto complainant along with the deceased were conducting vehicle inspection at Koneripalayam bus stop in Perambalur to Attur road, the petitioner drove his lorry bearing Reg.No.TN28B 6939 from north to south direction and hit the Inspector of Police, who was standing on the mud road, therefore, he sustained grievous injuries and died. After completion of investigation, the respondent filed a final report and the same has been taken cognizance.

3. On a perusal of oral and documentary evidence, the trial court found the petitioner guilty for the offences under Section 304A IPC and sentenced to undergo simple imprisonment for a period of one year and to



Crl.R.C.No.659 of 2023

pay a fine of Rs.10,000/-, in default to undergo two months simple imprisonment. Aggrieved by the same, the petitioner preferred an appeal and the same was also dismissed confirming the order of conviction and sentence, hence the petitioner has come up with the present Revision.

4. On the side of the prosecution, witnesses P.W.1 to P.W.14 were examined and Exhibits Ex.P.1 to Ex.P.10 were marked. On the side of the petitioner, no one was examined and no documents were marked.

5. The learned counsel for the petitioner submits that the examined witnesses did not even whisper that the petitioner drove the vehicle in a rash and negligent manner and there are contradictions between the witnesses, who have been examined as P.W.1 to P.W.3. P.W.1 deposed that the petitioner drove the vehicle in a speedy manner, he did not even whisper that the petitioner drove the lorry in a rash and negligent manner. There is a check post with barricades, therefore, no one can drive the vehicle more than 10 Kms-h speed. Hence the petitioner could not have driven the vehicle in a speedy manner. However, the Doctor, who examined the deceased was not examined. Further, the prosecution marked the Motor Vehicle Inspectors report on their own without examining motor vehicle inspector.



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6. The learned counsel for the petitioner also submits that the rough sketch was not served to the petitioner to put forth his defence at the time of serving copies as contemplated under Section 207 of Cr.P.C., However, during the trial, the rough sketch was produced before the trial court and the same was marked. Therefore, the prosecution failed to prove the case beyond doubt and the conviction and sentence imposed by the trial court as well as the appellate court cannot be sustained.

7. Per contra, the learned Government Advocate (Crl.Side) for the respondent would submit that P.W.1 to P.W.3 are eye witnesses to the occurrence. During the routine vehicle check-up, when the Inspector of Police stopped the lorry, which was driven by the petitioner, the petitioner did not stop the lorry and hit the deceased, who was standing in the mud portion of the road, therefore, the deceased sustained grievous injuries and on the way to hospital, he died. Further, P.W.1 to P.W.3 deposed that only due to the rash and negligent driving of the petitioner, the accident has happened, due to which, the deceased sustained grievous injuries. Further, non-examination of Motor Vehicle Inspector and Doctor are not fatal to the case of prosecution, hence the trial court and the appellate court have rightly convicted the petitioner under Section 304 A IPC.



Crl.R.C.No.659 of 2023

8. Heard the learned counsel on either side and perused the documents placed on record.

9. On 31.01.2014, when the deceased and his team mates were under vehicle inspection at Koneripalayam bus stop in Perambalur to Atur road, the petitioner drove his lorry bearing Reg.No.TN28B 6939 from north to south direction and hit the Inspector of Police, who was standing on the mud portion of the road, therefore, the Inspector of Police, sustained grievous injuries and died. After completion of investigation, the respondent filed a final report and the same has been taken cognizance.

10. Though the Inspector of police stopped the petitioner's vehicle, the petitioner did not stop the vehicle and drove the vehicle in a speedy manner and hit the deceased, who was standing in the mud portion of the road, therefore, he sustained grievous injuries and died.

11. On a perusal of the deposition of P.W.1 to P.W.3, it reveals that during the routine vehicle check up, totally five police personnel were standing in the check post in the place of accident and one Sub-Inspector of Police signalled to stop the lorry, even then, the petitioner without doing



so, proceeded in a high speed manner. Fortunately, P.W.1, escaped from the accident, but the deceased, who was standing behind P.W.1 was hit by the petitioner. Thereafter, the petitioner stopped the vehicle and flew away from the place of accident. The petitioner was also identified by P.W.1 to P.W.3, as the driver of the offending vehicle. Since the deceased brought dead, the Doctors were not examined by the prosecution.

12. It is also relevant to note that the body of the deceased was subjected to Post Mortem and the Post Mortem Certificate was marked as Ex.P.8. Though the Rough Sketch was not annexed along with charge sheet during the trial, it was marked with the permission of the court. Therefore, non examination of Doctors or the Non production of rough sketch along with the charge sheet are not fatal to the case of the prosecution, since the evidence of P.W.1 to 3 are cogent and reliable witnesses to the accident committed by the petitioner.

13. It is true that in the check post, there were barricades in the shape of 'S' and hence no one can drive the vehicle more than 10 Kms-h., speed, but the petitioner drove the vehicle in high speed and also in a rash and negligent manner and hit the deceased, who was standing in the mud



Crl.R.C.No.659 of 2023

portion of the road, therefore, the contention of the learned counsel for the petitioner cannot be countenanced.

14. In view of the above, both the courts below have rightly convicted and sentenced the petitioner for the offence under Section 304A of IPC. However, the learned counsel for the petitioner sought for reduction of sentence.

15. Accordingly, the conviction imposed by the learned Principal District and Sessions Judge, Perambalur in C.C.No.170 of 2014 dated 20.09.2022 for offence under Section 304A is confirmed and the sentence, viz., to undergo simple imprisonment for a period of one year, is hereby reduced six months. Except the said modification, all the other conditions remain unaltered. In the result, the present Revision is partly allowed.

11.06.2025

Index : Yes/No
Internet : Yes/No
Speaking /Non-Speaking order
ssd



Crl.R.C.No.659 of 2023

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- To
1. The Principal District and Sessions Judge,
Perambalur
 2. The Judicial Magistrate No.1,
Perambalur
 3. The State rep. by
Inspector of Police,
Perambalur Police Station,
Perambalur District
 4. The Public Prosecutor,
High Court, Madras



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Crl.R.C.No.659 of 2023

G.K.ILANTHIRAIYAN, J.,

ssd

Crl.R.C.No.659 of 2023

11.06.2025