



Crl.R.C.No.862 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2025

CORAM :

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

Crl.R.C.No.862 of 2023

R.Kotteeswaran

... Petitioner

Vs.

State Rep. by
Inspector of Police,
M-3 Kovil Palayam Police Station,
Coimbatore District.
Crime No.81 of 2014

... Respondent

Prayer : Criminal Revision Case filed under Section 397 and 401 of Cr.P.C., pleaded to set aside the judgement dated 16.6.2020 passed in C.A.No.68 of 2020 by the first Additional District and Sessions Court, Coimbatore, partly confirming the judgement dated 04.01.2020 passed in C.C.No.703 of 2014 of the Judicial Magistrate No.II, Coimbatore, allow this revision.

For Petitioner : Mr.R.Dhilip

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



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ORDER

This Criminal Revision Case has been preferred against the judgment dated 16.06.2020 passed in C.A.No.68 of 2020 by the learned First Additional District and Sessions Court, Coimbatore, partly confirming the judgement dated 04.01.2020 passed in C.C.No.703 of 2014 by the learned Judicial Magistrate No.II, Coimbatore.

2. The case of the prosecution is that on 14.04.2014 at about 08.15 P.M., at Kovai – Sakthi Road, near a coffee shop, when the deceased was crossing the road, the petitioner had driven the bus bearing Regn.No.TN-39-BX-1199 in a rash and negligent manner and dashed against the deceased. Therefore, he sustained grievous injuries and died on the spot. On the complaint, the respondent registered an FIR in Crime No.81 of 2014 for the offence u/s 279 and 304(A) IPC. After completion of investigation, a final report was filed before the Judicial Magistrate No.II, Coimbatore and the same was taken cognizance in C.C.No.703 of 2014. Before the Trial Court, the prosecution examined six (6) witnesses as P.W.1 to P.W.6 and marked seven (7) documents as Ex.P.1 to Ex.P.7.



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On the side of the petitioner/accused, no one was examined and no document was marked. After elaborate discussions, the trial court convicted the petitioner u/s 304(A) of IPC and sentenced him to undergo one year rigorous imprisonment and to pay a fine of Rs.1,000/-, in default to payment of fine, to undergo one week simple imprisonment. Challenging the same, the petitioner has filed an appeal in Criminal Appeal No.68 of 2020 before the learned I Additional District and Sessions Court, Coimbatore and the learned Sessions Judge, vide judgment dated 16.06.2020, partly allowed the appeal and reduced the sentence of imprisonment from one year rigorous imprisonment to six months simple imprisonment. Aggrieved by the same, the present revision is filed.

3. The learned counsel for the petitioner would submit that even according to the case of the prosecution, while the deceased was crossing the road without noticing both sides of the road, the accident had taken place. Therefore, no negligence on the part of the petitioner to convict him for the offence u/s 304(A) of IPC. That apart, the petitioner had already incarcerated nearly four months of imprisonment.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the eye-witness was examined as P.W.1, who lodged the complaint before the respondent police and the same was marked as Ex.P.1. P.W.1 and P.W.2 are eye witness. Mahazar witness was examined as P.W.3. The brother of the deceased was examined as P.W.4. After the accident, the body of the deceased was subjected for postmortem and the postmortem report was marked as Ex.P.6. According to the postmortem report, the deceased died due to the injuries sustained by him during the accident. Motor Vehicle Inspector report was marked as Ex.P.3, which reveals that the accident did not happen due to any mechanical default. Hence, the prosecution proved the case beyond any doubt and the Trial Court rightly convicted the petitioner for the offence u/s 304(A) of IPC and the same was confirmed by the appellate court, which does not warrant any interference at the hands of this Court. Accordingly, he prays for dismissal of the revision.

5. Heard the learned counsel for the parties and also perused the materials available on record.



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6. On a perusal of evidence of P.W.1, it is revealed that the petitioner was driving the bus in a rash and negligent manner without noticing the person, who was crossing the road, that too, at the end of the road and has dashed against the deceased, due to which, he sustained grievous injuries and died on the spot. P.W.2 also provided the evidence of P.W.1. P.W.3, who had stood as a witness to the Mahazar also supported the case of the prosecution. Therefore, the prosecution proved the case beyond any doubt and the Trial Court rightly convicted the petitioner u/s 304(A) of IPC and the same has been confirmed by the Appellate Court. Therefore, there is absolutely no ground to interfere with the concurrent findings of the Trial Court as well as the Appellate Court in convicting the petitioner for the offence u/s 304(A) of IPC. However, considering the nature of the accident and the age of the petitioner, this Court is inclined to modify the sentence imposed by the Trial Court and confirmed by the Appellate Court.

7. Accordingly, the order of conviction imposed on the petitioner is hereby confirmed, however the sentence of imprisonment is modified



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from six months simple imprisonment to the period already undergone.

The petitioner is set at liberty forthwith, if he is not required in connection with any other case. Fine amount, if any paid by the accused shall be refunded to him. Bail bond, if any, executed by the accused shall stand discharged.

8. In the result, the Criminal Revision Case is partly allowed.

01.07.2025

Index : Yes / No

Speaking order / Non-speaking order

NCC : Yes / No

sp



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- To
- 1.The I Additional District and Sessions Court,
Coimbatore.
 - 2.The Judicial Magistrate No.II,
Coimbatore.
 - 3.The Inspector of Police,
M-3 Kovil Palayam Police Station,
Coimbatore District.
 - 4.The Superintendent,
Central Prison,
Coimbatore.
 - 5.The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.

sp

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