



Crl.R.C.No.853 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2025

CORAM:

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

Crl.R.C.No.853 of 2023

Pazhanivel

... Petitioner

Vs.

The State by
The Inspector of Police,
Valavanur Police Station,
Villupuram District.
Crime No.848 of 2017

... Respondent

PRAYER: Criminal Revision has been filed under Section 397 r/w. 401 of Cr.P.C., praying to set aside the judgment in C.A.No.20 of 2022 dated 18.02.2023 by the learned Additional District and Session Judge, Fast Track Court, Villupuram, modifying the order of the learned Judicial Magistrate-II, Villupuram in C.C.No.26 of 2018 dated 23.03.2022 and call for the records and acquit the petitioner from all charges.

For Petitioner : Mr.D.Seentur Kugan
For Mr.N.Velmurugan

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



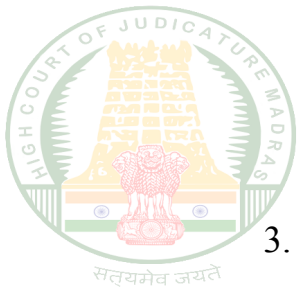
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ORDER

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This Criminal Revision has been preferred challenging the judgment dated 18.02.202 passed by the learned Additional District and Session Judge, Fast Track Court, Villupuram, in C.A.No.20 of 2022, modifying the judgment dated 23.03.2022 passed by the learned Judicial Magistrate-II, Villupuram in C.C.No.26 of 2018, thereby convicting the petitioner for the offences punishable under Sections 297, 337 & 304A of IPC.

2. The case of the prosecution was that on 29.07.2017, at about 1.00 a.m., when the deceased was riding his two wheeler on his left hand side of the road at Nettapakkam, Puducherry, the petitioner was driving his Mahindra van from opposite side in a rash and negligent manner and dashed against the two wheeler and caused accident due to which, the deceased SUSTAINED grievous injury and died. Other four persons, who were travelling in the van of the petitioner also sustained injuries. On the receipt of the complaint, the respondent registered the FIR in Crime No.848 of 2017 for the offences punishable under Sections 279, 337 & 304(A) of IPC. After completion of investigation, the final report was filed and the same was taken cognizance by the trial Court in C.C.No.26 of 2018.



3. On the side of the prosecution, they examined P.W.1 to P.W.12

and marked documents in Ex.P.1 to Ex.P.11. On the side of the accused, no one was examined and no documents were marked. On perusal of oral and documentary evidences, the trial Court convicted the petitioner for the offences punishable under Section 279, 333 (3 counts) & 304(A) of IPC and sentenced him as follows :-

S.No.	Conviction	Sentence
1	Section 279 of IPC	to undergo simple imprisonment for a period of six months.
2	Section 337 of IPC (3 counts)	to undergo simple imprisonment for a period of six months and to pay fine of Rs.500/- for each count, in default to undergo simple imprisonment for two weeks.
3	Section 304(A) of IPC	to undergo simple imprisonment for a period of one year.

The above sentences are ordered to run concurrently. Aggrieved by the same, the petitioner preferred an appeal and the same was also dismissed. However, the lower appellate Court reduced the sentence imposed on the petitioner from one year to six months. Hence the petitioner filed the present revision.

4. The learned counsel appearing for the petitioner submitted that the prosecution had examined P.W.7 to P.W.10 as eye witnesses, who were



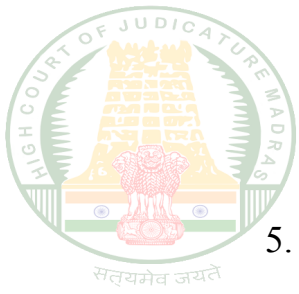
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travelling in the van driven by the accused. P.W.8 deposed in chief

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examination that the petitioner had driven the van in high speed. However, in the cross-examination, she stated that the petitioner was driving slowly. He further submitted that due to rain, when the petitioner applied a sudden break, the van turned on its right side and hit the two wheeler. Therefore, there was no rashness or negligence on the part of the petitioner. The road was in a very bad condition and when the petitioner applied sudden break, the vehicle went towards the right side and hit the bike.

4.1. He further submitted that the occurrence had taken place near one Sivaraman's house. However, the prosecution failed to examine the said Sivaraman. The father of the deceased was examined as P.W.1. According to him, he was informed about the accident by three children. Therefore, the children were awake at the time of accident. The non-examination of Sivaraman is fatal to the case of the prosecution. He further submitted that the accident register was not recorded for the deceased. Further, P.W.10 was admitted in the hospital two days later to the accident. Therefore, the prosecution miserably failed to prove the charge against the petitioner.



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5. Per contra, the learned Government Advocate (CrI. Side)

appearing for the respondent submitted that P.W.7 to P.W.10, who were travelling in the van driven by the petitioner, had deposed before the trial Court that the petitioner had driven the van in a rash and negligent manner and dashed against the deceased, who travelled in the extreme right hand side of the road. Further, immediately after the accident, the injured were taken to Manakulam Vinagayakar Medical College and Hospital, Puducherry. The accident registers were also duly registered for the injured persons, which were marked as Ex.P.8 to Ex.P.10. Further the deceased was subjected to postmortem and the postmortem certificate was also marked as Ex.P.11. It is also revealed that the deceased died due to injuries sustained during the accident. Therefore, the trial Court rightly convicted the petitioner and the same was also confirmed by the appellant Court.

6. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

7. On perusal of the records, it is revealed that P.W.7 to P.W.10 were travelling in the van driven by the petitioner on 29.07.2017 at about 1.00 am., after attending a funeral. The father of the deceased was examined as



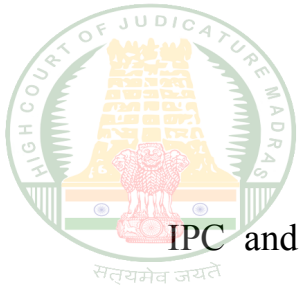
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P.W.1 and the relatives were examined as P.W.2 to P.W.5. All are hear-say evidences. The eye witnesses categorically deposed that the petitioner was driving the van in a rash and negligent manner and dashed against the deceased's two wheeler. Immediately after hitting the two wheeler, the van itself capsized due to which, P.W.7 to P.W.10 sustained injury. Immediately, they were taken to the hospital and were treated by the doctors. The wound certificate and the accident register were produced and marked as Ex.P.8 to Ex.P.10.

8. The deceased was subjected to postmortem and the postmortem certificate was marked as Ex.P.11. On perusal of the postmortem certificate, it is revealed that the deceased sustained grievous injury and died. Therefore, the prosecution categorically proved the charges and the trial Court rightly convicted the petitioner and the same was also confirmed by the appellant Court. This Court finds no infirmity or illegality in the orders passed by the Courts below.

9. However, considering the age of the petitioner, this Court is inclined to reduce the sentence imposed on the petitioner. The trial Court convicted the petitioner for the offence punishable under Section 304(A) of



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IPC and sentenced him to undergo one year simple imprisonment. It was reduced by the appellate Court to six months. Considering the above facts and circumstances, the conviction imposed on the petitioner for the offences punishable under Sections 297, 337 (3 counts) & 304(A) of IPC by the judgment dated 18.02.202 passed by the learned Additional District and Session Judge, Fast Track Court, Villupuram, in C.A.No.20 of 2022, and the judgment dated 23.03.2022 passed by the learned Judicial Magistrate-II, Villupuram in C.C.No.26 of 2018, are hereby confirmed. The sentence imposed for the offence under Section 304(A) of IPC is alone reduced from six months to three(3) months of simple imprisonment.

10. Accordingly, the Criminal Revision Case stands partly allowed.

30.06.2025

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

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G.K.ILANTHIRAIYAN. J.

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To

1. The Additional District and Session Judge,
Fast Track Court, Villupuram.

2. The Judicial Magistrate-II,
Villupuram.

3. The Inspector of Police,
Valavanur Police Station,
Villupuram District.

4. The Public Prosecutor,
Madras High Court,
Chennai.

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