



WEB COPY



Crl.R.C.No.1134 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.No.1134 of 2024

Palanisamy

.. Petitioner

Versus

The State represented by,
The Inspector of Police,
J-1, Sethiyathope Police Station,
Cuddalore district.
(Crime No.281 of 2016)

.. Respondent

Prayer : Criminal Revision Case filed under Section 397 and 401 of Cr.P.C.,
to call for the records and to set aside the judgment and sentence imposed in
C.C.No.299 of 2016, dated 07.07.2023, by the learned Judicial Magistrate
No.I, Chidambaram, which was confirmed by the learned II Additional
District Judge, Chidambaram in Crl.A.No.55 of 2023, dated 06.02.2024.

For Petitioner : Mr.S.Indrajith

For Respondent : Mr.J.Subbiah,



WEB COPY



Crl.R.C.No.1134 of 2024

Government Advocate (Crl. Side)

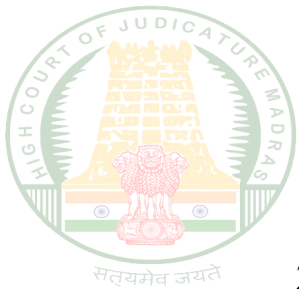


Crl.R.C.No.1134 of 2024

ORDER

WEB COPY

This Criminal Revision Case is filed against the judgment of the learned II Additional District and Sessions Judge, Chidambaram, dated 06.02.2024 made in Crl.A.No.55 of 2023. By the said judgment, the Appellate Court confirmed the conviction and sentence imposed by the Trial Court. The learned Judicial Magistrate No.I, Chidambaram had, by the judgment, dated 07.07.2023 made in C.C.No.299 of 2016, convicted the petitioner for an offence under Section 279 of the Indian Penal Code and imposed a fine of Rs.1,000/- and in default, to undergo Simple Imprisonment for a period of one month; for an offence under Section 337 of the Indian Penal Code and imposed a fine of Rs.500/- and in default, to undergo one month Simple Imprisonment; for an offence under Section 304-A of the Indian Penal Code, to undergo two years Rigorous Imprisonment and to pay a fine of Rs.5,000/- and in default, to undergo two months Simple Imprisonment.



Crl.R.C.No.1134 of 2024

WEB COPY

2. The case of the prosecution is that on 06.09.2016 at about 7.45 A.M, when two students namely, the deceased *Vasantha Rajan* and one *Vijaya Kumar* were proceeding in their separate cycles to their college near the Sethiyathope road at the place called Kattukkarai ADS Madhugu, the accused, who was driving a tractor with tipper bearing registration No.TN31 AW 7826, drove the same rashly and negligently and hit against the side wall of the Madhugu on account of which, the tipper capsized on the two students resulting in death of one student and simple injuries to the other student.

2. A case was registered in Crime No.281 of 2016 and was taken up for investigation by *P.W.14* who laid a Final Report proposing the accused guilty of the above offences. The case was taken on file as C.C.No.299 of 2016. Upon issue of summons, furnishing of copies and questioning, the accused denied the allegations. In order to bring home the charges, *P.W.1* to *P.W.14* were examined on behalf of the prosecution and ***Ex.P-1*** to ***Ex.P-10***

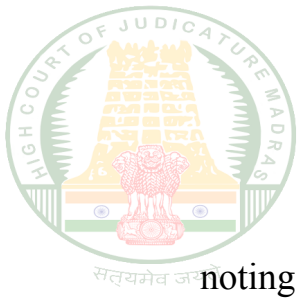


Crl.R.C.No.1134 of 2024

WEB COPY

were marked. Upon being questioned about the incriminating circumstances and material evidence on record under Section 313 of the Code of Criminal Procedure, the accused denied the same as false. Thereafter, no evidence was let in on behalf of the defence. The Trial Court, thereafter, considered the arguments made by the learned Assistant Public Prosecutor and the learned Counsel for the accused and held the petitioner guilty for the aforesaid offences and sentenced him. Aggrieved by the same, the appeal was filed in Crl.A.No.55 of 2023 and upon re-appreciation of evidence, the Appellate Court also confirmed the conviction and sentence. Aggrieved by which, the present Criminal Revision Case is filed.

3. *Mr.S.Indrajith*, learned Counsel for the petitioner would submit that in the cross-examination, the prosecution witnesses themselves admitted the nature of terrain. He would submit that the place of crossing at the Madhugu bridge is very narrow and only the tractor alone can go with only meager space left. The two college students did not stop their cycle even after



Crl.R.C.No.1134 of 2024

WEB COPY

noting the loaded vehicle coming in the opposite side. In order to avoid

hitting these students, the petitioner spurred the tractor to the right hand side.

Unfortunately, at that place, between the tar road and the parapet wall, the

mud portion was uneven and there was a huge ditch. The tractor, tipper and

the wheels suddenly getting the jerk, the tipper capcised and unfortunately,

one of the students got seriously injured and he succumbed to the injuries

while the other student got minor injuries. The learned Counsel would

submit that the manner of the accident itself would adumbrate that there is

no rash and negligence driving on the part of the petitioner. Therefore, the

Trial Court and the Appellate Court ought not to have convicted the

petitioner.

4. Alternatively, the learned Counsel would submit that the petitioner

was 19 years of age at the time of the incident. He is undergoing this ordeal

from the year 2016. The petitioner is not involved in any other criminal case

either prior to the occurrence or subsequent to the occurrence. Upon

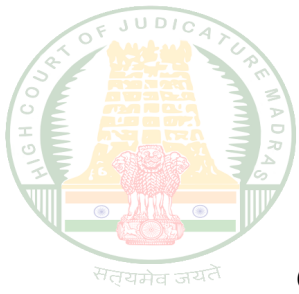


Crl.R.C.No.1134 of 2024

WEB COPY

considering the entire episode, the petitioner and the owner of the vehicle had negotiated with the family of the deceased and a sum of Rs.9,00,000/- was settled on them by the owner of the vehicle as compensation. Therefore, he would submit that this Court should appropriately consider the said factor also.

5. Per *contra*, *Mr.J.Subbiah*, learned Government Advocate (Crl. Side) for the respondent would submit that in this case, it is the accused who drove the tractor loaded with rice load. He should have driven carefully. He drove the tractor in a negligent manner and the tipper got capcised and fell on the students. Therefore, this is a case where the principle of *res ipsa loquitur* will apply and the Trial Court as well as the Appellate Court had considered the evidence of the injured witness, who was very much witness to the accident and have convicted the petitioner. Therefore, the same does not call for any interference.



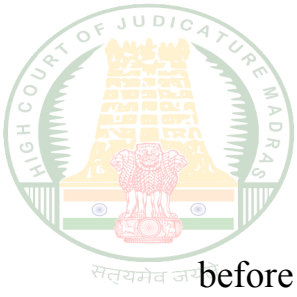
Crl.R.C.No.1134 of 2024

WEB COPY

6. I have considered the rival submissions made on either side and perused the material records of the case.

7. Firstly, there is some force in the argument of the learned Counsel for the petitioner as to the manner of accident. When the stretch near the Madhugu is very narrow, upon seeing the students in their cycles approaching, it is stated that the petitioner spurred to his left. However, when the vehicle is a loaded vehicle, he should have only stopped the vehicle, especially, when there is a ditch like pit between thar road and mud road portion. Therefore, even assuming the arguments of the learned Counsel for the petitioner to be correct, the petitioner cannot be absolved of the criminal liability of culpable negligence and culpable rashness. In view of the same, I am unable to upturn the finding of the guilt by the Trial Court as well as the Appellate Court. However, the following factors were considered by this Court:-

(a) Immediately after the accident, the petitioner had also surrendered



Crl.R.C.No.1134 of 2024

before the respondent Police.

WEB COPY

(b) The petitioner was only 19 years at the time of accident.

(c) The vehicle was driven by the petitioner which is laden with rice load and therefore, the owner of the vehicle has come forward and the compensation of a sum of Rs.9,00,000/- was paid to the victim's family.

(d) The petitioner is not involved in any other criminal case either before the accident or subsequently.

(e) Though every accident cannot straightaway be considered for release of the accused under the Probation of Offenders Act, 1958 on the facts and circumstances of the case, the manner of the accident, the age of the accused and the age of the students, have to be cumulatively taken into account.

Therefore, I am of the view that this is a fit for releasing the petitioner on probation under the provisions of the Probation of Offenders Act, 1958.

8. The owner of the vehicle has also given a compensation of a sum of



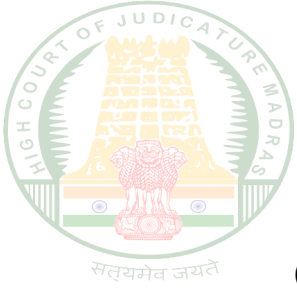
Crl.R.C.No.1134 of 2024

WEB COPY

Rs.9,00,000/- to the victim's family. Upon further query made by this Court, in order that the petitioner to gauge the seriousness of this action, the learned Counsel for the petitioner agrees that the petitioner would pay a further compensation of Rs.20,000/- to the family of the deceased and Rs.5,000/- to the injured victim. For all the above reasons, I am of the view that the petitioner can be released on probation.

9. In view thereof, this Criminal Revision Case is partly allowed on the following terms:-

(i) The conviction of the petitioner for the offences under Sections 279, 337 and 304-A of the Indian Penal Code imposed by the Trial Court by its judgment, dated 07.07.2023 in C.C.No.299 of 2016 and confirmed by the Appellate Court by its judgment, dated 06.02.2024 in Crl.A.No.55 of 2023, shall stand confirmed. However, without proceeding to punish the petitioner further, the petitioner is released on probation under the provisions of Probation of Offenders Act, 1958 on the following conditions:-



Crl.R.C.No.1134 of 2024

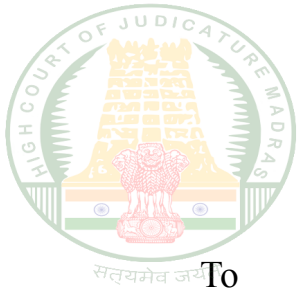
WEB COPY

(a) Within 4 weeks from today, the petitioner, by way of Demand Draft, pay another sum of Rs.20,000/- directly to the account of the father of the deceased namely, *Ramalingam* and a sum of Rs.5,000/- directly to the injured witness namely, *Vijaya Kumar* and produce the proof in the form of a photocopy of the Demand Draft along with a memo before the Trial Court.

(b) The petitioner shall also file an affidavit of good conduct before the Trial Court for a period of one year along with the memo.

18.08.2025

Neutral Citation : no
grs



Crl.R.C.No.1134 of 2024

To
WEB COPY

1. The II Additional District Judge,
Chidambaram.
2. The Judicial Magistrate No.I,
Chidambaram.
3. The The Inspector of Police,
J-1, Sethiyathope Police Station,
Cuddalore district..
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.R.C.No.1134 of 2024

D.BHARATHA CHAKRAVARTHY, J.,

grs

Crl.R.C.No.1134 of 2024



WEB COPY



Crl.R.C.No.1134 of 2024

18.08.2025