



Crl.R.C.No. 603 of 2025

BAIL SLIP

The Petitioner/ Accused viz., Rathinam S/o.Govindan be and hereby was directed to be released on bail as per the order of this Court dated 02.06.2025 and made in Crl.M.P.No.9980 of 2025 in Crl.R.C.No.603 of 2025.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

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Rathinam

... Appellant

Vs

State by,
Sub Inspector of Police,
Karumalaikoodal Police Station,
Mettur Dam,
Salem District.
(Crime No. 58 of 2017)

... Respondent

Prayer: Criminal Revision case filed under Sections 438 r/w 442 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records of the judgment dated 21.02.2025 made in Crl.A.No.38 of 2024 passed by the learned Additional District Judge, Fast Track Court, Mettur, Salem District in confirming the Judgment of the Trial Court dated 05.02.2024 in C.C.No.46 of 2017 passed by learned Judicial Magistrate No.II, Mettur, Salem District, wherein convicted the petitioner under Section 279 and 304(A) of IPC for the period of two months simple imprisonment and to pay a fine of Rs. 2,000/-, in default to undergo simple imprisonment for two weeks and set aside the same by allowing this Criminal Revision Petition and acquit the petitioner herein from



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the charges.

For Petitioner : Mr.M.R.Jothimanian

For Respondents : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

This revision is filed against the judgment of the learned Additional District Judge (Fast Track Court), Mettur, dated 21.02.2025 made in Crl.A.No. 38 of 2024.

2. By the said judgment, the appellate Court confirmed the conviction made by the trial Court, namely the Judicial Magistrate No.II, Mettur, in C.C. No. 46 of 2017 by judgment dated 05.02.2024, thereby finding the accused guilty of the offences under Sections 279 and 304(A) of Indian Penal Code (IPC), 1860. The appellate Court modified the sentence and sentenced the accused to undergo simple imprisonment for a period of two months and to pay a fine of Rs.1,000/-, and in default, to undergo simple imprisonment for two weeks for the offence under Section 279 of IPC, and sentenced him to undergo simple imprisonment for two months and to pay a fine of Rs.1,000/-, and in default, to undergo simple imprisonment for two weeks for the offence under Section 304(A) of IPC.



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3. The case of the prosecution is that on 17.03.2017, the father of the complainant, deceased Nallathambi, was returning on his two-wheeler bearing registration number TN 29 V 4049 at Kunjandiyur 60 Feet Bridge at Mettur to Mecheri Road around 10.15 p.m. the accused drove the private bus in a rash and negligent manner, which came from the opposite direction and dashed against the two-wheeler. The deceased sustained head injuries and when he was rushed to the Mettur Government Hospital, he was reported as brought dead. When the above facts were reported, a case in Crime No. 58 of 2017 was registered, and thereafter P.W.9 completed the investigation and laid a final report proposing the accused guilty of the above offences.

4. In order to bring home the charges, the prosecution examined P.W.1 to P.W.9 and Ex.P1 to P8 were marked. Upon being questioned under Section 313 of the Code of Criminal Procedure, 1973, the accused denied the evidence on record as false. Thereafter, no evidence was presented on behalf of the defence. The trial Court considered the case of the prosecution. It considered the evidence of P.W.2 and P.W.4 being the eyewitnesses to the accident. Thereafter, it considered the evidence of the Motor Vehicle Inspector and the corroborating medical evidence and held that the prosecution has proved the charges beyond doubt. Aggrieved thereby, Criminal Appeal No. 38 of 2024 was preferred by the petitioner. The appellate Court, after re-appreciation of



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evidence, while confirming the conviction, modified the sentence as
aforementioned. Aggrieved by the same, the present revision is filed.

5. *Mr.M.R.Jothimanian*, the learned counsel appearing on behalf of the revision petitioner, started arguing the matter on merits. Upon this Court pointing out the eyewitness available and other attendant circumstances, the learned counsel made submissions relating to the manner of accident. Even if it is to be taken as if there was culpable negligence on the part of the petitioner, he would point out from the rough sketch and the manner in which the accident had happened at the bridge, that it cannot be ruled out that the accident was also on account of the action of the deceased. He would also submit that the petitioner is a senior citizen, now aged 65 years, and there are no other bad antecedents against him. The petitioner is the sole breadwinner of his family.

6. Per contra, *Mr.S.Sugendran*, the learned Additional Public Prosecutor, by pointing out the evidence on record, would submit that the prosecution has proved its case beyond any reasonable doubt. However, with reference to the question of sentence, the learned Additional Public Prosecutor is not in a position to point out that the accident happened because of any aggravated conduct or egregious action on the part of the petitioner.



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

8. As a matter of fact, a consideration of the rough sketch that is filed in the case and even the evidence of the eyewitnesses shows that the accident happened due to a human error in not gauging the speed at which the two-wheeler was coming from the opposite direction and the accident happened. Secondly, the age of the accused is also taken into consideration and now he is a senior citizen aged about 65 years. Thirdly, the accused has been facing proceedings from the year 2017, for the past 8 years. It is also placed on record that the dependents of the deceased have filed a claim petition before the Motor Accident Claims Tribunal and compensation has also been awarded.

9. Under these circumstances, when this Court requested the Investigating Officer, a Probation Officer's report dated 13.11.2015 was also obtained. From the report of the Probation Officer, it can be seen that the accused has a permanent abode, he is residing at the said address with his family and for the past 45 years, he was working as a driver in private buses as well as lorries and except the present accident, there is no other antecedent against him. Now, since he is not well, he is eking out his livelihood by leading a lawful life and the Probation Officer has recommended that an

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opportunity be granted to this accused to lead a lawful life. The same is also taken into account.

10. For all the aforesaid reasons, I am of the view that this is a fit case where the petitioner can be released on probation.

11. In view of the above, this criminal revision is *partly allowed*. The conviction of the petitioner by the judgment of the trial Court in C.C.No. 46 of 2017 dated 05.02.2024 and the appellate Court in Crl.A.No.38 of 2024 dated 21.02.2025 shall stand confirmed. However, without proceeding to sentence the accused, after admonition, the accused is released on probation under the provisions of the Probation of Offenders Act, 1958, on condition that the accused shall execute a bond before the trial Court undertaking good conduct for a period of one year and shall upkeep the undertaking, failing which he shall appear before this Court to take his sentence.

Sd/-
25.11.2025

//True Copy//

Sub Assistant Registrar

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To

1. The Additional District Judge, Fast Track Court, Mettur, Salem District.
2. The Judicial Magistrate No.II, Mettur, Salem District.
- 3.The Sub Inspector of Police,
Karumalaikoodal Police Station,
Mettur Dam,
Salem District.
- 4.The Public Prosecutor,
High Court, Madras.



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D.BHARATHA CHAKRAVARTHY, J.

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