



Crl.R.C.No.1092 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 18.08.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.No.1092 of 2024

K.P.Sankar

.. **Petitioner**

Vs.

The State represented by
The Inspector of Police
Traffic Investigation Police Station
Poonamallee.
(Crime No.741/2014)

.. **Respondent**

Prayer: Criminal Revision Case filed under Section 397 r/w 401 of Cr.P.C., to call for the records in Criminal Appeal No.50 of 2022 on the file of the III Additional District & Sessions Court, Tiruvallur at Poonamallee and set aside the order dated 05.04.2024 confirming the conviction and sentence passed by the Judicial Magistrate No.II, Poonamallee in C.C.No.198 of 2015 by an order dated 31.05.2022, by allowing this revision.

For the Petitioner : Mr.R.Prabhakaran



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Crl.R.C.No.1092 of 2024

For the Respondent

: Mr.J.Subbiah
Government Advocate
(Crl.Side)



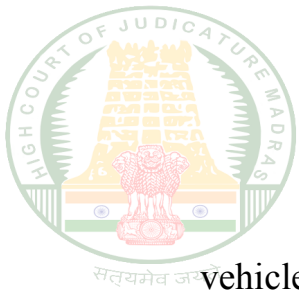
Crl.R.C.No.1092 of 2024

ORDER

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This Criminal Revision Case is directed against the Judgment of the learned III Additional District and Sessions Judge, Tiruvallur at Poonamallee, dated 05.04.2024 made in Criminal Appeal No.50 of 2022. By the said Judgment, the Appellate Court dismissed the appeal filed by the petitioner herein and confirmed the conviction and sentence imposed by the learned Judicial Magistrate No.II, Poonamallee, in C.C.No.198 of 2015 dated 31.05.2022. By the said Judgment, the Trial Court found the accused guilty of an offence under Section 279 and 304 - A of IPC and sentenced to undergo rigorous imprisonment for a period of six months and to pay the fine of Rs.1,000/- and in default, simple imprisonment for one month.

2. *Mr.R.Prabhakaran*, the learned counsel appearing on behalf of the petitioner, firstly, by referring to the rough sketch, submits that the diagram clearly indicates certain inconsistencies in the prosecution's case. It shows that a Maruti car was being checked by the police personnel in front of the

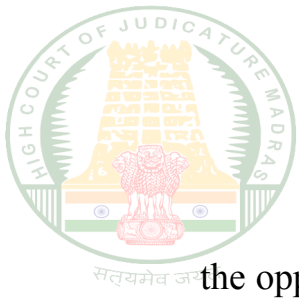


Crl.R.C.No.1092 of 2024

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vehicle allegedly driven by the petitioner, with a barricade placed behind the petitioner's vehicle. This, in itself, casts serious doubt on the correctness of the prosecution's version of events. Furthermore, the learned counsel contends that when the police conducts vehicle checks during nighttime, particularly around 2:00 a.m., it is standard procedure to do so only after erecting proper barricades and placing adequate reflectors or warning signs. Given that the incident occurred on the Chennai–Bangalore Highway, specifically on the bypass road from Poonamallee to Maduravoyal, which is a wide stretch of road where vehicles are typically driven at high speeds, the absence of proper precautions becomes a significant factor for accidents.

3. The learned counsel further pointing out to the oral evidence on record would submit that P.W.1 is the only police personnel, who is said to have accompanied the deceased during the vehicle check was examined by the prosecution. The evidence of other eye witnesses viz., P.Ws.3, 4 and 5 are absolutely unbelievable, as they are said to have driven their vehicles on

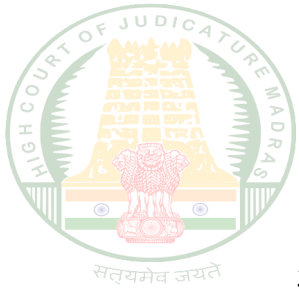


Crl.R.C.No.1092 of 2024

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the opposite side of the road at the same time and ought not to have seen the accident clearly. Added to this, all these persons belonging to the nearby locality of the deceased. Even though, the police personnel viz., a Sub Inspector of Police, while on duty died in this accident, still it is the duty of the prosecution to prove the offences beyond a reasonable doubt. The learned counsel would submit that for no fault of the petitioner, who was compelled to drive the container lorry only during the night times, as the permission to drive beyond Poonamallee – Maduravoyal by-pass road was granted, only during the night time, was wrongly prosecuted by the police.

4. The learned counsel would point out to the suggestion made that the Sub Inspector of Police could have run behind the Maruti vehicle or would have tripped and fallen on account of the extremely strenuous duty during the night time. Alternatively, the learned counsel would also plea for leniency in punishment.



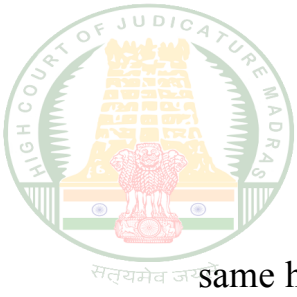
Crl.R.C.No.1092 of 2024

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5. *Per contra*, the learned Government Advocate (Crl.Side) would submit that this is a case in which the police personnel who was in duty and was checking the vehicles during the night time was hit by the lorry which was driven in a rash and negligent manner, by the petitioner herein and he sustained head injuries and died. The evidence of P.W.1 coupled with the other eye witnesses and coupled with the evidence of the Motor Vehicle Inspector categorically establish the case of the prosecution. Therefore, he would submit that there is no ground for this Court to interfere in exercise of revisionary jurisdiction.

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

7. On a perusal of the rough sketch that is produced by the prosecution, it can be seen that there was only a single barricade that is kept. But there is also a gap between the place of accident and the barricade. The

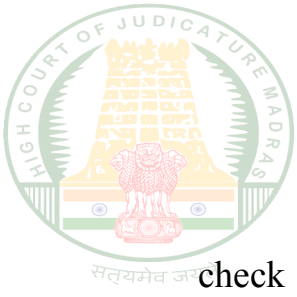


Crl.R.C.No.1092 of 2024

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same has also to be borne in mind. P.W.1 was the accompanying the police personnel who has duly spoken about the accident, even though the evidence of P.Ws.3, 4 and 5, the so called other eye witnesses does not inspire the confidence of this Court. The evidence of P.W.1 with reference to the manner of accident coupled with the evidence of P.W.2 – Motor Vehicle Inspector where the dents were noted in the front side of the lorry and back side of the Maruti car, coupled with the head injury sustained by the victim, all prove that the victim succumbed to the injuries sustained during the accident. The accident could have caused, only on the rash and negligent driving of the petitioner. This is one case where the principles of *res ipsa loquitor* can be invoked. Therefore, in exercise of revisionary jurisdiction, I am unable to upset the finding of the Trial Court as well as the Appellate Court, which have been rendered after thorough appreciation of the entire evidence on record.

8. Be that as it may, it should also be noted that when the vehicle



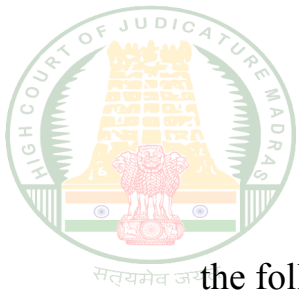
Crl.R.C.No.1092 of 2024

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check was being conducted during the night time, that too in a broad road between Poonamallee and Maduravoyal, opposite to ACS College, especially when all the container vehicles will come speedily, in order to reach the Port, the manner of precaution that was taken by the deceased, by keeping one barricade alone was also taken into account, while the same was not a license for the petitioner to drive the vehicle in a high speed and in negligent manner, it can be a mitigating factor while considering the quantum of punishment. The petitioner has been facing the proceedings for the past eleven years and he is aged about 42 years and it is stated on behalf of the petitioner that he is the sole breadwinner of the family.

9. By taking into all the above factors in mind, I am of the view that the sentence of imprisonment that is imposed by the Trial Court as six months can be reduced as 20 days.

10. In view thereof, this Criminal Revision Case is partly allowed on



Crl.R.C.No.1092 of 2024

the following terms,
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(i) The conviction of the petitioner for the offences under Section 279 and 304 – A of IPC by the Judgment of the learned Judicial Magistrate No.II, Poonamallee in C.C.No.198 of 2015 dated 31.05.2022, confirmed by the learned III Additional District and Sessions Judge, Tiruvallur at Poonamallee, shall stand confirmed;

(ii) However, the sentence of imprisonment imposed on the petitioner alone is modified and reduced as 20 days;

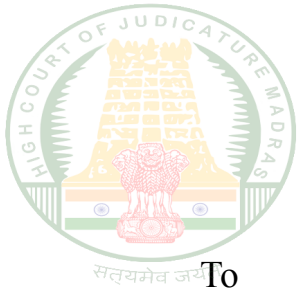
(iii) The fine amount shall remain the same and the fact that it has already been paid is recorded;

(iv) The petitioner is granted three weeks time to surrender before the Trial Court to undergo the remaining period of imprisonment

18.08.2025

Neutral Citation : Yes/No

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Crl.R.C.No.1092 of 2024

To

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1. The III Additional District & Sessions Judge,
III Additional District & Sessions Court, Tiruvallur at Poonamallee.
2. The Judicial Magistrate No.II, Poonamallee.
3. The Inspector of Police
Traffic Investigation Police Station
Poonamallee.
4. The Public Prosecutor
High Court of Madras.



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Crl.R.C.No.1092 of 2024

D.BHARATHA CHAKRAVARTHY, J.

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Crl.R.C.No.1092 of 2024



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Crl.R.C.No.1092 of 2024

18.08.2025



Crl.R.C.No.1092 of 2024

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DATED : 09.10.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.No.1092 of 2024

K.P.Sankar

.. Petitioner

Versus

The State represented by
The Inspector of Police,
Traffic Investigation Police Station,
Poonamallee.

.. Respondent

For Petitioner : Mr.R.Prabhakaran

ORDER

This matter is listed under the caption 'For being mentioned'.

2. It is stated that when the accused tried to surrender before the Trial Court, the Trial Court refused to accept the same on the ground that it has not yet received the certified copy of the order of this Court, 18.08.2025.

3. Therefore, the Trial Court is instructed to act upon the web-copy of



Crl.R.C.No.1092 of 2024

the order of this Court, dated 18.08.2025. In view of the developments, the
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accused can surrender within a period of 20 days from today.

09.10.2025

grs

D.BHARATHA CHAKRAVARTHY, J.

grs

Crl.R.C.No.1092 of 2024



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Crl.R.C.No.1092 of 2024

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