



CrI.RC.No.769 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2025

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CORAM:

THE HON'BLE MR.JUSTICE **D.BHARATHA CHAKRAVARTHY**

CrI.RC.No.769 of 2025

Suresh

...Petitioner/Appellant/Accused

Vs.

The State Rep. by,
The Inspector of Police,
Namagiripettai Police Station,
Namakkal District.
(Crime No.550 of 2014)

...Respondent/Respondent/Complainant

Prayer:- Criminal Revision Case filed under Section 397 (1) and 401 of Cr.P.C, pleaded to call for the records and set aside the conviction for offence under Section 279 I.P.C and imposed fine of Rs.1000/- in default to undergo simple imprisonment for 1 week and sentence to undergo simple imprisonment for two years for offence under Section 304 A (2 counts) I.PC and judgment in C.A.No.61 of 2023 dated 10.02.2025 passed by the Principal Sessions Judge, Namakkal, confirming the conviction and sentence imposed by the Judicial Magistrate, Rasipuram, Namakkal District, in C.C.No.58 of 2015, by judgment dated 02.03.2023.

For Petitioner : Mr.B.Vasudevan
For Respondent : Mr.S.Vinoth Kumar,



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Government Advocate

(Criminal Side)

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ORDER

This Criminal Revision is filed challenging the judgement of the learned Principal Sessions Judge, Namakkal, made in C.A.No.61 of 2023 dated 10.02.2025.

2.By the said judgment, the conviction and sentence imposed by the trial Court was confirmed. The trial Court, the learned Judicial Magistrate, Rasipuram, by a judgment dated 02.03.2023 made in C.C.No.58 of 2015 found the petitioner guilty for the offence under Section 279 of the I.P.C and imposed a fine of Rs.1000/- and for an offence under Section 304 A I.P.C (2 counts) imposed two years simple imprisonment.

3.The case of the prosecution is that the deceased was travelling in a two-wheeler bearing Registration No.TN 30 BA 2625. While so, the Eicher lorry which was driven by the accused bearing registration No.TN 37 AV 3411 in a rash and negligent manner and hit against the deceased and caused the instant death of both the persons.



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was registered and P.W.8 took up the case for investigation and laid a final report. In order to bring home the charges, the prosecution examined P.W.1 to P.W.8 and marked Ex.P1 to Ex.P.11. Upon the summons being served, copies furnished and questioning, the accused denied the allegations and stood trial. Thereafter, no evidence was let in on behalf of the defense. The trial Court considered the case of the prosecution and that of the accused found the petitioner guilty as aforesaid and imposed the sentence. The appeal being preferred was dismissed.

5. Mr. B. Vasudevan, the learned counsel for the petitioner by taking this Court through the rough sketch, it can be seen as per the case of the prosecution itself that the accident had happened in the middle of the road. Therefore, it can be seen that the vehicle driven by the petitioner is Eicher lorry where as the vehicle ridden by the deceased is a two-wheeler. Therefore, they ought not to have come in such a middle of the road and therefore absolutely no negligence on the part of the petitioner.



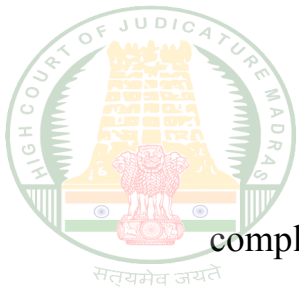
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6.The learned Government Advocate (Criminal side) would submit that in this case the accused has driven the lorry in a rash and negligent manner and was unable to control and therefore the accident had happened and there is nothing to interfere.

7.Heard the learned counsels on either side and perused the materials on record.

8.I have considered the evidence of the eye witnesses as well as the rough sketch which is filed by the prosecution itself. It can be seen that the accident had happened exactly in the middle of the road. But that by itself would not totally absolve the liability of the petitioner/driver who should exercise reasonable care and caution so as not to cause any injury to the deceased. Therefore, I am of the view that the conviction of the petitioner cannot be interfered with. However, the manner of accident can be taken into account with reference to the quantum of sentence. The deceased were



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completely at fault also. Even though the accused could have avoided the accident, still the rough sketch itself adumbrates that there has been considerable amount of contribution by the deceased also. In that background, I have firstly consider that the accident is by human error and is not on account of any grave speed or aggravated form of negligence. Secondly, the accused is not involved in any other case, he has faced proceedings from the year 2014 for a period of eleven years. The accused was in jail for a period of nine days. It is also seen that the victims have filed claim petitions and compensation has been received.

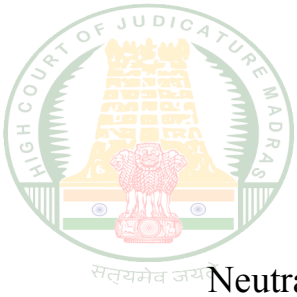
9.In view thereof, while confirming the fine amount as imposed by the trial Court, the period of imprisonment alone is modified as one of period already undergone.

10.With the above observations and directions, this Criminal Revision case stands partly allowed.

04.09.2025

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Neutral Citation Case : Yes/No

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To

- 1.The Principal Sessions Judge,
Namakkal.
- 2.The Judicial Magistrate,
Rasipuram,
Namakkal District
- 3.The Inspector of Police,
Namagiripettai Police Station,
Namakkal District.
- 4.The Public Prosecutor,
Madras High Court.



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D.BHARATHA CHAKRAVARTHY, J.

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