



Crl.R.C.No.274 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 09.06.2025

CORAM:

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

Crl.R.C.No.274 of 2023

Dr.K.K.Rajagopal

... Petitioner

Vs.

State rep. by
The Inspector of Police,
CCB, Salem City.
(Crime No.12 of 2004)

... Respondent

PRAYER: Criminal Revision has been filed under Section 397 r/w 401 of Cr.P.C., praying to set aside the judgment dated 15.03.2022 passed by the learned Principal Sessions Judge, Salem in C.A.No.36 of 2020 confirming the conviction of the petitioner under Sections 120(b) and 468 of Indian Penal Code and sentencing to undergo 6 months imprisonment for the offence under Section 120(b) of Indian Penal Code and undergo 6 months imprisonment for the offence under Section 468 of Indian Penal Code and to pay a fine of Rs.500/- in default to undergo one month of simple imprisonment passed by the learned Judicial Magistrate No.I, Salem, by judgment dated 25.02.2020 in C.C.No.449 of 2005.

For Petitioner : Mr.L.Mouli

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



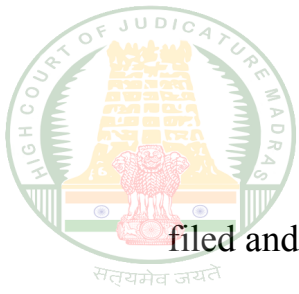
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ORDER

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This Criminal Revision has been preferred against the judgment dated 15.03.2022, passed by the learned Principal Sessions Judge, Salem, in C.A.No.36 of 2020, confirming the conviction and sentence imposed on the petitioners dated 25.02.2020 passed by the learned Judicial Magistrate No.I, Salem, in C.C.No.449 of 2005, for the offences punishable under Sections 120(b) and 468 of the Indian Penal Code (hereinafter referred to as “IPC”).

2. The case of the prosecution is that the sixth accused viz., the Inspector of Police, Traffic Investigation Wing, Salem City, registered the FIR in Crime No.686 of 2000, for the offences punishable under Sections 279 & 338 of IPC, alleging that on 29.12.2000 at about 7.30 p.m., in front of the Juice shop near Raja Ganapathy Temple, Salem town, while the first accused was walking on the left side road, the tempo lorry bearing registration No.TN33Z2070, which was driven by the second accused in a rash and negligence manner, hit the first accused on his behind and also run over his both legs. Therefore, he sustained injury and also fracture on his left leg. Immediately, he was taken to Kamala Hospital for treatment in which, the fifth accused viz., petitioner herein was working as duty doctor. At the time of admission, his statement was recorded and the Accident Register was also recorded by the petitioner. After completion of investigation, charge sheet was



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filed and the same has been taken cognizance in C.C.No.659 of 2022 on the file

of the learned Judicial Magistrate No.1, Salem. The second accused herein pleaded guilty in C.C.No.659 of 2022 and paid a fine of Rs.1,100/-.

3. Thereafter, the victim viz., the first accused herein filed petition seeking compensation before the learned Principal Subordinate Judge, Salem in M.C.O.P.No.56 of 2001. While pending the claim petition, the Divisional Manager of National Insurance Company appointed the defacto complainant as investigator to find out the veracity of the accident to pay compensation. During the said investigation, the investigator found that on 29.12.2000 at 2.30 p.m., in front of the juice shop near Arulmighu Raja Ganapathy Temple, Car Street, Salem, while the second accused, being the driver of the tempo vehicle bearing registration No.TN33Z2070 drove the tempo in a rash and negligence manner and dashed against the first accused and caused fracture on his left leg. Immediately, the injured had taken to Kamala Hospital for treatment. Originally, the accident had occurred at 2.30 pm., on 29.12.2000. After admitting the injured into the hospital, the fifth accused viz., the petitioner herein had attended the injured and recorded the accident registrar as the accident had taken place on 29.12.2000 at 2.30 p.m., and he brought to the hospital at 2.40 pm., and the injured was brought to the hospital by his sister one Babyjose. However, at that time, the offending vehicle did not possess



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valid insurance in order to compensate the injured. Therefore, all the accused persons including the owner of the vehicle conspired together and changed the Accident Register as if, the accident had taken place on 29.12.2000 at about 7.30 p.m., and accordingly corrected the accident register since the accident register is the first document even before the FIR. Immediately, after the accident, the victim was taken to the hospital for treatment where the Doctor, who attended the injured, recorded the accident register. The said correction was made with an ulterior motive of claiming compensation from the insurance company. In between 2.30 pm., to 7.30 pm., the offending vehicle was insured with the insurance company.

4. The investigator of the insurance company submitted report which was marked as Ex.P.8. Based on the investigation report, the present complaint had been lodged and registered the FIR in Crime No.12 of 2004 for the offences punishable under Sections 120(b), 468, 471 & 420 r/w. 511 of IPC on the file of the respondent. After completion of investigation, they filed final report and the same has been taken cognizance by the trial Court in C.C.No.449 of 2005.

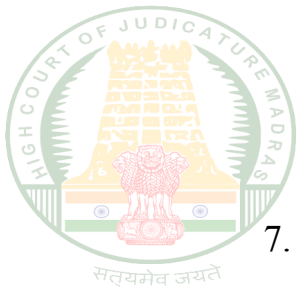
5. On the side of the prosecution, they examined P.W.1 to P.W.21 and marked documents in Ex.P.1 to Ex.P.9. On the side of the petitioner, no one was examined and no document was marked. Based on the oral and documentary



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evidences, the trial Court convicted the petitioner, who is arrayed as fifth accused, for the offence punishable under Section 468 of IPC and sentenced him to undergo six months imprisonment and to pay a fine of Rs.500/- in default to undergo further period of one month simple imprisonment. Aggrieved by the same, the petitioner preferred an appeal and the same was also dismissed by confirming the conviction and sentence imposed by the trial court. Hence, the petitioner filed the present revision.

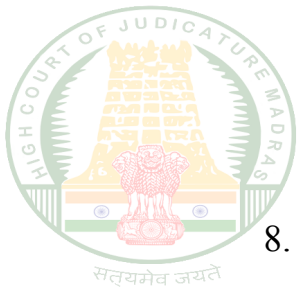
6. The learned counsel appearing for the petitioner raised three grounds. The first ground is that the conviction was made only based on the Ex.P.8 which is the report submitted by the private investigator. The second ground is that there is absolutely no evidence to show that the petitioner only corrected the accident registrar as the time of the accident as 7.30 pm., from 2.30 pm. The third ground is that no one was examined to prove the charge as against the petitioner and the prosecution failed to mark the alleged accident register as well the FIR in Crime No.686 of 2000.



7. Per contra, the learned Government Advocate (Crl. Side)

submitted that the accident register and the FIR had been marked in the accident case in C.C.No.659 of 2022 on the file of the learned Judicial Magistrate No.1, Salem, in which the second accused herein admitted his guilty and paid fine. Therefore, in order to make claim under the Motor Vehicle Act, all the accused persons conspired together and corrected the accident register and filed a claim petition in M.C.O.P.No.56 of 2001. On receipt of the claim petition, the insurer viz., the National Insurance Company appointed the private investigator to find out the manner in which, the accident had taken place and on whose negligence.

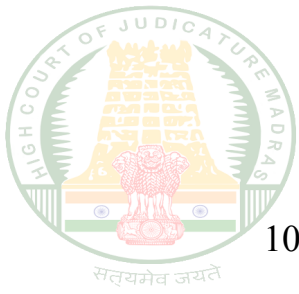
7.1. During the investigation, the investigator found that all the accused persons conspired together and corrected the time of the accident and filed the claim petition. Before 7.30 pm., on 29.12.2000, the offending vehicle did not possess any insurance policy. After the accident, the offending vehicle took policy and filed claim petition. In order to substantiate the claim petition, all the accused persons conspired together and corrected the time in the accident register and produced the same before the claim tribunal. Therefore, the trial Court rightly convicted all the accused persons and the same was also confirmed by the appellate Court.



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

9. On 29.12.2000, there was an accident in which, the first accused sustained grievous injury and admitted to the petitioner's hospital, who is arrayed as A5. While admitting the first accused, the petitioner recorded the accident register that the injured was brought by her sister Babyjose at about 7.40 p.m., and she stated that the injured met with an accident at 2.30 p.m., in front of the juice shop near Raja Ganapathy Temple, Salem Town and sustained injury. After recording the accident register, the injured was treated by the petitioner. Thereafter, a copy of the accident register was sent to the Inspector of Police, Town Police Station, Salem. On receipt of the same, the Sub Inspector of Police, Town Police Station, Salem, rushed to the hospital viz., Kamala Hospital, Salem and recorded the statement and registered the FIR on the next day, alleging that on 29.12.2000 at about 7.30 p.m., when the injured was working on the left side of the road, the offending vehicle hit him on his back side by its driver in a rash and negligence manner and also run over his leg. Due to which, he sustained fracture on his left leg and other injuries.



10. After registration of FIR and after recording the statement from the injured as if the accident was taken place on 29.12.2000 at about 7.30 pm., the respondent filed final report and same has been taken cognizance in C.C.No.659 of 2002 before the very same trial Court. The driver of the vehicle viz., second accused herein admitted his guilty and paid fine. In the mean while, it was found that the offending vehicle did not possess any valid insurance policy. Therefore, even before the registration of FIR, the petitioner conspired with other accused persons corrected the accident register as if the injured was brought to the hospital at about 7.40 pm., and he met with an accident at about 7.30 p.m., so that the offending vehicle could have got insured with the National Insurance Company. Therefore, the trial Court not only convicted the petitioner based on the report submitted by the private insurer but also on perusal of the accident register and FIR in Crime No.686 of 2000.

11. Insofar as non-marking of the accident register and the FIR in Crime No.686 of 2000, is not fatal to the case of the prosecution, since these are Court record in C.C.No.659 of 2002 on the file of the learned Judicial Magistrate No.I, Salem viz., the very same trial Court in this case. Further, the person, who brought the injured to the hospital, was examined as P.W.5 and she turned hostile. As per the accident register, P.W.5 only brought the injured to



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the hospital and accordingly, the accident register was recorded by the petitioner herein. However, after knowing the fact that the offending vehicle did not possess any insurance policy, that too after met with an accident, the third accused viz., owner of the vehicle approached the fourth accused and obtained coverage note for the offending vehicle. The fourth accused without even verifying the records of the vehicle issued coverage note for the offending vehicle.

12. Further after registration of the present case, the claim made before the Motor Accident Claim Tribunal had been withdrawn by the first accused herein. Therefore, the prosecution categorically proved all the charges before the trial Court and the trial Court rightly convicted the petitioner for the offence punishable under Section 468 of IPC and the same was also rightly confirmed by the appellate Court. This Court finds no infirmity or illegality in the orders passed by the Courts below and the revision fails.

13. Accordingly, the Criminal Revision Case stands dismissed.

09.06.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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G.K.ILANTHIRAIYAN. J,

rts

To

1. Principal Sessions Judge,
Salem.

2. Judicial Magistrate No.I,
Salem.

3.The Inspector of Police,
CCB, Salem City.

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

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