



Crl.RC.No.1814 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2025

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THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.RC.No.1814 of 2023

Haridass

...Petitioner

Vs.

State Represented by Inspector of Police,
Anamalai Police Station,
Pollachi,
Coimbatore District.

...Respondent

This Criminal Revision is filed under Section 397 r/w 401 of Code of Criminal Procedure, 1973 to set aside the Judgment in CA No.122 of 2019 on the file of 1st Additional District and Sessions Court Coimbatore dated 31.10.2019 in C.C.No.119 of 2016 on the file of the Judicial Magistrate No.I Pollachi dated 02.03.2019 and acquit the petitioner.

For Petitioner : M/s.Pooja Pradeep

For Respondent : Mr.J.Subbiah, GA (Crl. Side)

ORDER

Heard Ms.Pooja Pradeep, the learned counsel appearing on behalf of the petitioner.



WEB COPY 2. This case stands testimony to the power of the virtual hearing and the sincerity of the learned counsel, the learned counsel was able to appear and do justice to her client even though she is down with typhoid and afflicted with severe cold. The Court proceeded to hear the matter on merits and judgement could be rendered. This Revision challenges the judgement of the learned I Additional District and Sessions Court, Coimbatore made in Criminal Appeal No.122 of 2019 dated 31.10.2019. By the said judgement, the conviction and sentence imposed by the trial Court was confirmed by the Appellate Court by a judgement dated 02.03.2019 made in C.C.No.119 of 2016. The learned Judicial Magistrate No.I, Pollachi had found the petitioner guilty of an offence under Section 304 (A) of Indian Penal Code and sentenced to undergo one year simple imprisonment and to pay a fine of Rs.5000/-, and in default to undergo 2 months simple imprisonment.

3. The learned counsel for the petitioner, commenced her arguments on merits. However this Court found the nature of the accident, the rough sketch that is produced on behalf of the Public Prosecutor clearly shows that the bus was proceeding towards Pollachi



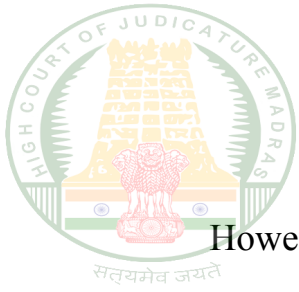
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and the accident spot is marked in the rough sketch and it can be seen

that, to a certain extent, the bike has also swerved to the right. Keeping that in the background, since the petitioner has also paid the fine and was in custody for a period of 5 days and considering the fact that the petitioner is now aged 62 years and was the first offender and was not involved in any other case thereafter, I am of the view that the question of sentence can be considered straight away in this case.

4. Considering all the above factors and the nature of accident, I am of the view that, this case calls for leniency in the matter of punishment. As the petitioner was made known about the seriousness of the offence committed in as much as he had undergone the imprisonment for a period of 5 days, I am of the view that the sentence of imprisonment alone can be modified as one already undergone and the fine amount is already paid. In view thereof, this Criminal Revision is partly allowed on the following terms.

(i) The conviction of the petitioner for the offences under Section 304 (A) of Indian Penal Code by the judgement of trial court in CC.No.119 of 2016 dated 02.03.2019 and as confirmed by the Appellate Court in C.A.No.122 of 2019 dated 31.10.2019 shall stand confirmed.



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However, the period of imprisonment alone is modified as one already undergone and the fine amount of Rs.5,000/- already paid stands recorded.

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RAP

NCC : Yes / No



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To

1. The 1st Additional District and Sessions Court, Coimbatore
2. The Judicial Magistrate No.I Pollachi
3. The Inspector of Police,
Anamalai Police Station,
Pollachi,
Coimbatore District.
4. The Public Prosecutor,
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY.J.,

RAP

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