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Cr.L.R.C.N



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31-10-2025

CORAM

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Cr.L. R.C.No. 1313 of 2024

Chandrasekaran

Son of Loganathan, 9/80,
Sevvagoundampalayam,
Kolathupalayam Post,
Namakkal District.

...Petitioner

Vs

1. State, Rep. by

The Inspector of Police,
TIW Police Station,
Salem City.
Crime No.342 of 2017.

...Respondent

PRAYER:-

This Criminal Revision Case is filed under Sections 397 (1) and 401 of Cr.P.C. to call for the records and set aside the judgment dated 23.4.2024 passed by the I Additional District and Sessions Judge, Salem, in C.A.No.159 of 2023 confirming the conviction and sentence imposed by the Judicial Magistrate No.4, Salem, in C.C.No.198



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of 2017, by judgment dated 18.08.2023.

For Petitioner(s): Mr. B.Vasudevan

For Respondent(s): Mr. S. Vinoth Kumar
Government Advocate
(Cr.L.Side)

ORDER

This Revision is filed against the judgment of the learned I Additional District and Sessions Judge, Salem, in C.A.No.159 of 2023, dated 23.04.2024, thereby confirming the conviction and sentence imposed by the learned Judicial Magistrate No.4, Salem, in C.C.No.198 of 2017 by judgment 18.08.2023.

2. The case of the prosecution is that on 26.04.2017, P.W.6 / Special Sub-Inspector of Police received a complaint from P.W.1 stating that his father Ramamoorthy, aged about 72 years, left the house in his Honda Activa two wheeler bearing Registration No.TN 30 F 9425. At about 08:30 a.m., A Passer-by informed P.W.1 that his father met with an accident near the Petrol Pump and had sustained injury. Thereafter, P.W.1 rushed to the scene of occurrence wherein he was informed that at about 07:15 a.m. the defacto-complainant's father was turning towards the petrol pump and at that time, the Maruti Swift car



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proceeding towards Dadagapatty from Seelanaickenpatty Check Post from South to North came in a rash and negligent manner, dashed against the two wheeler of the deceased and caused accident and injury to the defacto-complainant's father and later, the defacto-complainant's father was succumbed to the injuries and declared dead.

3. Upon the said complaint, a case was registered in Crime No.342 of 2017 and after investigation, the Investigating Officer laid a final report proposing the petitioner herein guilty of the offences under Sections 279 and 304-A of Indian Penal Code. The case was taken on file as C.C. No. 198 of 2017 and upon issue of summons and furnishing of copies and questioning, the petitioner denied the allegations stood trial. In order to bring home the charge, the prosecution examined P.W.1 to P.W.7 and marked Ex.P1 to Ex.P10. Upon being questioned about the material evidence and incriminating circumstances on record under Section 313 of the Code of Criminal Procedure, the accused denied the same as false. Thereafter, no evidence was let in on behalf the defence.

4. The trial Court considered the case of the parties and after relying upon



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the evidence of P.W.2, Sachin and P.W.3, Gopi and P.W.5, Dhandapani, who all have deposed that the car was driven in a speedy manner and caused the accident. Upon the said finding, the petitioner accused was found guilty of the offence under Section 279 of the Indian Penal Code and was sentenced to undergo three months simple imprisonment, for the offence under Section 304-A IPC, the accused was sentenced for two years rigorous imprisonment. Aggrieved thereby, the petitioner filed Criminal Appeal in Criminal Appeal No. 159 of 2023 and the learned Appellate Judge simply confirmed the conviction and sentence imposed by the trial Court.

5. Heard Mr.V.Vasudevan, learned counsel appearing on behalf of the petitioner and Mr.S.Vinoth Kumar, learned Government Advocate (Crl.Side) appearing on behalf of the respondent.

6. I have considered the rival submissions made on either side and perused the materials on record.

7. It is true that the accused had speedily driven the Maruti Swift Car. Driving the car at speed by itself would not amount to culpable rashness or



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culpable negligence. Even though P.W.2, P.W.3 and P.W.5 have spoken about the fact that the car was driven in a speedy manner and caused the accident, from the rough sketch annexed as Ex.P5, it can be seen that a Petrol Pump is located in a T-junction directly contrary to the Guidelines issued by the Indian Road Congress for the location of the Petrol Pump. Upon a clear perusal of the same, it can be seen that it is only the deceased who had proceeded in the wrong direction, so as to enter the petrol pump. This fact is overlooked by the trial Court and the Appellate Court. The deceased came on his two-wheeler suddenly from the other side so as to enter the petrol pump, and the accident occurred. Accordingly, the accused is entitled to the benefit of doubt.

8. It can be seen that the petrol pump is located right at the T junction. In this regard, the Indian Road Congress Guidelines -12:2009, in Guidiliness 4.5 onwards lay down as follows:

4.5 In order to provide safe length for weaving of traffic, fuel stations along highways/roads shall be located at the minimum distance from an intersection (gap in the central median be treated as intersection), as given below. For single carriageway section, these minimum distances would be applicable for both sides. All the distances shall be measured between the tangent points of the curves of the side roads at



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intersections/the median openings and the access/egress roads of the fuel stations, as is applicable, in a direction parallel to the centre line of the nearest carriageway of the highway.

The above mentioned distances are applicable for setting up of fuel stations along National Highways, State Highways and Major District Roads. In case of fuel stations along the Rural Roads in plain and rolling terrain, the distance from the intersection with NHs/SHs/MDRs can be reduced to 300 min. place of 1000 m depending on the level of traffic

4.5.1 Non-urban (Rural) stretches

1) Plain and Rolling Terrain

(i) Intersection with NHs/SHs/MDRs/City Roads 1000 m

(ii) Intersection with Rural Roads/approach roads to private and public properties - 300 m

2) Hilly/Mountainous Terrain

(i) Intersection with NHs/SHS/MDRS 300 m

(ii) Intersection with all other roads and tracks 100 m

4.5.2 Urban stretches

1. Plain and Rolling Terrain

(a) Urban Area with population of more than 20,000 and less than one lakh.

(i) Intersection with any category of roads of carriageway width of 3.5m and above. 300 m

(ii) Intersection with roads of carriageway width of less than 3.5m



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100 m

(b) Urban Area with population of one lakh and above

(i) Intersection with any category of road (irrespective of carriageway width) 100 m

2. Hilly and Mountainous terrain.

(i) Intersection with any category of road (irrespective of carriageway width) 100 m

4.5.3 There shall not be any median gap on a divided carriageway within a distance of 300 m on each side of the fuel station. This minimum distance i.e. 300 m shall be measured between the start of the median gap and the nearest tangent point of the access/egress road of the fuel station, as is applicable, in a direction parallel to the centre line of the nearest carriageway of the highway. This stipulation shall be applicable for such median gaps, which are located neither in front of nor in proximity of any intersection or intersecting roads. For intersecting road median gaps or median gaps in proximity of intersections, the provisions stipulated under para 4.5.1 and para 4.5.2 shall apply.

9. Generally, the IRC guidelines are held to be directory and not mandatory, except the ones that re-incorporated in the Government Orders as mandatory. With reference to location of fuel stations, the Government of Tamilnadu had issued G.O.Ms. No. 25 dated 24/02/2022, incorporating certain distancing criteria with and without modifications.



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10. Even if IRC guidelines are directory, every endeavour should be made to avoid the location of petrol pumps in these intersections and junctions. There will undoubtedly be human errors so long as such erroneous locations are approved. This life is lost not just because of the accident between the two vehicles, but also because of the inappropriate entry and exit point of the petrol pump. PESO, Oil companies and other organisations cannot operate solely on a single-point commercial motive of sale. They have to ensure that the location of these retail outlets first satisfies the safety requirements. Guidelines through directory do not mean that they can be violated for no reason. The responsibility for this death is certainly on all the authorities who granted NOC and finally approved the location of the petrol pump.

11. A copy of this Order is marked to the Government of Tamilnadu to consider the issue of prescribing additional norms while locating the retail outlets. When the state of Tamil Nadu is one of the states reporting a higher number of accidents, we rest on charging sheeting someone for the offence under Section 304A and leave it at that. Whereas there are more basic and functional reasons,



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like these, that act as perennial sources of human error. Though the petroleum retail outlets are a dying business in view of the advent of electric vehicles, when electrical charging points are established in future, the concept of weaving the traffic has to be taken into account, and safety norms shall be considered. For both petrol pumps and electrical charging points, experts should lay down norms to ensure safe egress from the main road/highway and ingress/weaving into traffic when returning from petroleum retail outlets/electrical charging points. It is to be borne in mind that one comes out of the driving mode and the highway/main road sense, and it takes a while to adapt to the conditions again. Secondly, in haste to enter or exit, the risk of not noticing or caring about approaching vehicles is higher. This has to be borne in mind by the authorities, and the state shall endeavour to incorporate appropriate conditions when granting the NOC.

12. The PESO and the other authorities shall apply their mind to public safety when they approve the location and shall also develop standards/norms by considering these perils.

13. As far as the present site is concerned, it is now stated that the Police



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authorities have done their bit by closing the ingress and egress, making the parties take a U-Turn and setting up entries and exits in such a manner as to avoid accidents. Prevention is better and can save human lives.

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14. With the above observations, this Criminal Revision Case is allowed.

The accused is granted the benefit of the doubt and acquitted of all the charges.

The fine amount, if any, paid is ordered to be refunded.

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Index : Yes

Speaking Order : Yes

Internet : Yes

Neutral Citation : Yes



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To

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1. The Inspector of Police,
TIW Police Station, Salem City.
2. I Additional District and Sessions Judge, Salem.
3. The Judicial Magistrate No.4, Salem.
4. The Petroleum and Explosives Safety
Organization, 26, Haddows Road,
Subba Road Avenue, Nungambakkam.
5. The Ministry of Petroleum and Natural Gas,
Union of India, Kartavya Bhawan 03,
Janpath, New Delhi – 110 001.
6. The Chief Secretary of Tamil Nadu,
Secretariat, Chennai – 600 009.



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D. BHARATHA CHAKRAVARTHY, J.

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