



Crl.R.C.No.1547 of 2024

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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 20.08.2025**

**CORAM :**

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

Crl.R.C.No.1547 of 2024

Savarimuthu

.. **Petitioner**

**Vs.**

The State rep.by  
Station House Officer  
Kadampuliyur Police Station  
Cuddalore District.  
Crime No.471 of 2014.

.. **Respondent**

**Prayer:** Criminal Revision Case filed under Section 397 r/w Section 401 of Cr.P.C., to set aside the Judgment dated 09.07.2024 by the Principal District and Sessions Judge, Cuddalore in C.A.No.10 of 2023 and confirmed the conviction and order dated 29.12.2022 in C.C.No.89 of 2015 by the Judicial Magistrate No.I, Panruti and acquit the accused.

For the Petitioner : M/s.T.Gnana Banu

For the Respondent : Mr.J.Subbiah  
Government Advocate (Crl.Side)



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## **ORDER**

This Criminal Revision Case is filed challenging the Judgment dated 19.07.2024 made in C.A.No.10 of 2023 by the Principal District and Sessions Judge, Cuddalore, confirming the conviction and sentence imposed by the Judicial Magistrate No.I, Panruti, in C.C.No.89 of 2015 dated 29.12.2022. By the said Judgment, the petitioner was found guilty of an offense under Section 297 of IPC and ordered to pay the fine of Rs.1,000/-; in default to undergo one month simple imprisonment; for an offense under Section 337 of IPC, to pay the fine of Rs.500/-; in default to undergo one month simple imprisonment and for an offense under Section 304 – A of IPC, to undergo simple imprisonment for a period of one year and shall pay the fine of Rs.5,000/-; in default to undergo two months simple imprisonment.

2. The case of the prosecution is that on 28.12.2014, at about 2:00 p.m., when the deceased, *Radhakrishnan*, and one *Velmurugan* were riding a two-wheeler along Sathipattu Road near the land of *Arokkiyasamy*, traveling from west to east on the left side of the road, the accused drove a lorry bearing



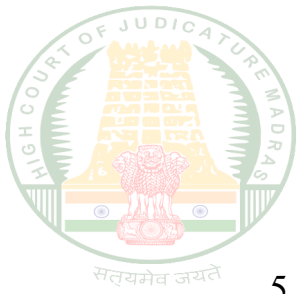
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Registration No. TN 32 AA 5343 in a rash and negligent manner from the opposite direction and collided with the two-wheeler. On account of which, the deceased sustained injuries and died. The other witness suffered injuries. Therefore, a case was registered in Crime No.471 of 2014, for an alleged offenses under Section 279, 337 and 304 – A of IPC. The same was taken up for investigation by P.W.10 – *Murugesan*, who laid a final report, proposing the accused guilty of the offenses as aforesaid. The case was taken on file as C.C.No.89 of 2015.

3. When summons was issued, copies were furnished and questioned, the accused denied the allegations and stood trial. In order to bring home the charges, P.Ws.1 to 10 were examined by the prosecution and documents in Exs.P.1 to 9 were marked.

4. Upon being questioned about the incriminating materials on record, under Section 313 of Cr.P.C., the accused denied the same as false. Thereafter, no evidence was let in on behalf of the accused.



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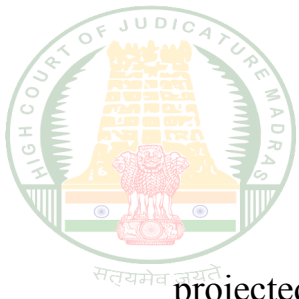
5. The Trial Court after considering the case of the parties found the petitioner guilty of the offenses and sentenced him as above. On filing an appeal, the Appellate Court after re-appreciation of entire evidence, confirmed the conviction and sentence as imposed by the Trial Court.

6. The learned counsel for the petitioner would submit that firstly, in this case, the prosecution has not proved the offense beyond any reasonable doubt and the manner of accident as projected by the prosecution is doubtful. Secondly, the learned counsel would argue on the question of sentence.

7. *Per contra*, the learned Government Advocate (Crl.Side) would submit that the prosecution has proved the offense beyond any doubt and there is nothing for this Court to interfere in exercise of the revisionary jurisdiction.

8. I have considered the rival submissions made on either side.

9. Though certain arguments are raised with reference to adequacy of evidence and certain contradictions, it can be seen that no clinching ground was



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projected before this Court, to exercise the revisionary jurisdiction, especially when both the Courts below have duly appreciated the evidence and written the verdict of guilt. However, as far as the question of sentence is concerned, I take into consideration the following,

- (i) The accused is now 42 years and has been facing the case for the past 10 years;
- (ii) The accused has not involved in any other offense either prior to the date of accident or subsequent to the accident;
- (iii) The accused undergone the period of incarceration for a period of six days; the fine amount as imposed by the Trial Court has already been paid; and
- (iv) The dependents of the deceased have already filed Claim Petition and the compensation award has already been passed;
- (v) The manner of accident is not an aggravated negligence but a human error.

10. For all the above, I am of the view that the period of imprisonment that is imposed on the accused alone can be modified as one of period already undergone.



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11. In view thereof, this Criminal Revision Case stands partly allowed on the following terms,

(i) The finding of guilt imposed against the petitioner / accused for the offenses under Section 279, 337 and 304 -A of IPC by the learned Judicial Magistrate No.I, Panruti in C.C.No.89 of 2015 dated 29.12.2022, as confirmed by the learned Principal District and Sessions Judge, Cuddalore in C.A.No.10 of 2023 dated 09.07.2024 shall stand confirmed;

(ii) The fine amount already imposed on the petitioner shall stand confirmed and the fact that it has already been paid by the accused is recorded;

(iii) The sentence of imprisonment alone is modified, as period already undergone.

Neutral Citation : Yes/No

20.08.2025

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To

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1. The Principal District and Sessions Judge, Cuddalore.
2. The Judicial Magistrate No.I, Panruti.
3. The Station House Officer  
Kadampuliyur Police Station  
Cuddalore District.
4. The Public Prosecutor  
High Court of Madras.



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**D.BHARATHA CHAKRAVARTHY, J.**

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