



Crl.R.C.No.1390 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 14.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

Crl.R.C.No.1390 of 2022

Jothi Ramalingam

... Petitioner

Vs.

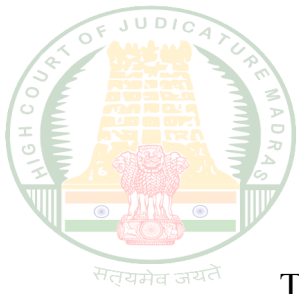
The State Rep. by,
The Inspector of Police,
Sulur Police Station,
Coimbatore District.
Crime No.330 of 2015.

...Respondent

PRAYER: Criminal Revision Petition filed under Section 397 r/w 401 of Code of Criminal Procedure Code to set aside the judgment dated 30.08.2022 passed in C.A.No.204 of 2020 on the file of the V Additional District and Sessions Judge, Coimbatore confirming the conviction and sentence imposed by the judgment dated 15.10.2020 passed in C.C.No.271 of 2017 on the file of the Judicial Magistrate, Sulur.

For Petitioner : Mr. M. Marudhachalam

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



Crl.R.C.No.1390 of 2022

ORDER

WEB COPY

This criminal revision is filed challenging the order passed by the learned V Additional District and Sessions Judge, Coimbatore in C.A. No.204 of 2020 dated 30.08.2022, thereby confirming the conviction and sentence imposed by the judgment dated 15.10.2020 passed in C.C.No.271 of 2017 on the file of the learned Judicial Magistrate, Sulur. By the said judgment, the learned Judicial Magistrate, Sulur found that the petitioner/ accused guilty of an offence punishable under Sections 279 and 304(A) of IPC, thereby imposed a fine of Rs.500/- for the offence under Section 279 of IPC, in default simple imprisonment of one month; for the offence punishable under Section 304(A) of IPC, sentenced to undergo one year Simple Imprisonment and to pay a fine of Rs.1,000/-, in default to undergo three months simple imprisonment.

2. The case of the prosecution is that on 19.05.2015 at about 13:15 Hours in Pappampatti to Sellakkarichal road, near Pappampatti Shanthi Feeds Company, when the deceased was proceeding in a cycle towards Sellakkarichal from Pappampatti, the accused was driving a TATA ACE vehicle bearing Registration No.TN-37-CH-5459 in a high speed, rash and negligent manner and hit him from behind, resulting in injuries to the deceased and the deceased succumbed to the injuries. Therefore, a case in Crime



Crl.R.C.No.1390 of 2022

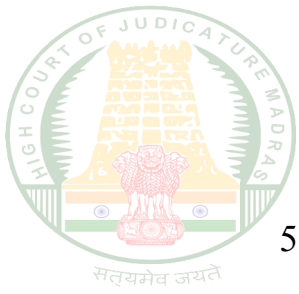
No.330 of 2015 was registered by the respondent police for the offences under

WEB COPY

Sections 279 and 304(A) of IPC. P.W.5 - Investigating Officer completed the investigation and laid a final report proposing the accused guilty of the above said offences. The case was taken on file, summons was issued, accused question, upon which the accused denied the allegations and stood trial.

3. In order to bring home the charges, P.W.1 to P.W.5 were examined on behalf of the prosecution and Exs.P.1 to P.7 were marked. Upon being questioned about the incriminating evidence on record under Section 313 of Code of Criminal Procedure, the accused denied the same as false, no evidence was thereafter let in by the defence. The Trial Court considered the case of the prosecution and that of the accused and found that the prosecution has proved the charges under Sections 279 and 304(A) of IPC beyond reasonable doubt and sentence the accused as afore mentioned.

4. The Appellate Court in the appeal filed by the petitioner herein, once again re-appreciated the evidence and confirmed the conviction and punishment that was imposed by the Trial Court. Aggrieved by the same, the present criminal revision is filed.



WEB C

5. The learned counsel appearing on behalf of the petitioner by taking this Court through the evidence on record would firstly submit that P.W.1 to P.W.4 could not even remember as to whose marriage they went and how where they present in the Tea shop. In the teeth of the said answers given by them in the cross examination, it can be seen that there was no eye witness to the incident and they are all interested witnesses. There is a material contradiction in the eye witnesses, as originally in their 161 statement before P.W.5, they have stated that the driver had escaped after the accident, however in the examination before the Court, they deposed that they caught hold of the driver and handed over him to the police. Therefore, in the teeth of the same, the Trial Court as well as the First Appellate Court have not justified in holding the petitioner guilty.

6. Per contra, the learned Government Advocate (Crl. Side) would submit that the road is from Pappampatti to Sellakkarichal and it was only natural for the same villagers, who happen to be the relatives of the victim being present in the said road, they were in the Tea shop and therefore, they were natural witnesses and accordingly, they have deposed. He also submitted that the manner in which the accident took place clearly point out that the accused drove the vehicle in a very high speed and rash and negligent manner



Crl.R.C.No.1390 of 2022

and hit the cyclist from behind. Therefore, the Trial Court and lower

Appellate Court were right in convicting the petitioner/ accused.

7. I have considered the rival submissions made on either side and perused the material records of the case.

8. Firstly, with reference to the presence of P.W.1 to P.W.4, when the road itself is between Pappampatti and Sellakkarichal, their presence can be treated as natural, merely because they were unable to tell the name of the relative, that by itself will not be fatal to the case of the prosecution. With reference to the contradiction as to whether the accused is apprehended or not, it can be seen from the cross examination, it is not the case of the defence that the petitioner never drove the vehicle and he is unnecessarily connected to this case. However on the contrary, the cross examination was that at the time of accident, there was a heavy breeze and the deceased was not even in a position to control the bicycle, which he was riding and the entire area is also known for its breeze and wind energy projects. That is also brought out in the cross examination, therefore the contradiction that is pointed out cannot be treated as a material contradiction in view of the nature of the defence that is taken. Therefore when P.W.1 to P.W.4 have deposed, I am not in a position to agree

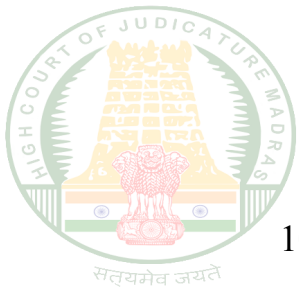


Crl.R.C.No.1390 of 2022

WEB.COM

with the learned counsel for the petitioner, in any event in exercise of revisionary jurisdiction, when two Courts have appreciated the evidence and come to the conclusion, unless any clinching point is argued in exercise of revisionary jurisdiction, the finding of guilty cannot be upturned.

9. However, the cross examination with reference to the nature of the accident is taking into account with reference to the quantum of sentence, it can be seen that the deceased was riding a bicycle. It is natural in those kind of roads, when heavy breeze blow, there will be some kind of instability with bicyclists also. Therefore, some contribution on the part of the person riding the bicycle cannot also be ruled out. The age of the petitioner is also taken into account, the petitioner is now aged about 60 years, he is not involved in any other criminal case either before or after the incident. Therefore, being the first offender and considering the nature of the case and while considering the question as to releasing the petitioner on the Probation of Offenders Act, 1958 then this Court enquired with the learned counsel for the petitioner, whether the petitioner will also show remorse for the incident by depositing a sum of Rs.50,000/- which will be paid out as compensation to the deceased family, the same is agreed on behalf of the petitioner.



10. In view thereof, this criminal revision case is ***partly allowed*** by confirming the finding of guilt of the offences under Sections 279 and 304(A) of IPC by the Trial Court by the judgment dated 15.10.2020 passed in C.C.No.271 of 2017 and by the First Appellate Court by the judgment dated 30.08.2020 in C.A. No.204 of 2020. However, without proceeding further to impose the punishment on the petitioner, instead this Court releases the petitioner on probation under the provisions of Provision of Offenders Act,1958 on the following conditions:

(a) The petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousands only) to the credit of C.C.No.271 of 2017 on the file of the learned Judicial Magistrate, Sulur within a period of four weeks from the date of receipt of web copy of the order. Upon such deposit, the said sum shall be paid out to the legal heirs of the deceased as compensation.

(b) The Investigating Officer shall inform the family members of the deceased about the order and upon their filing of an application for payment out/ issue of cheque, upon verification of their identity, the entire sum of Rs.50,000/- shall be paid out to them.

D.BHARATHA CHAKRAVARTHY, J.

(c) The petitioner shall also execute a bond for good conduct for another period of one year and he shall appear before the jurisdictional Probationary Officer once in six months i.e., on the first



Crl.R.C.No.1390 of 2022

working day of the English Calendar month at 10.30 a.m.

WEB COPY

14.08.2025

Neutral Citation: Yes/No
stn

To

1. The V Additional District and Sessions Judge,
Coimbatore,
2. The Judicial Magistrate,
Sulur.
3. The Inspector of Police,
Sulur Police Station,
Coimbatore District.
Crime No.330 of 2015.
4. The Public Prosecutor,
High Court of Madras.

Crl.R.C.No.1390 of 2022