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CRL RC No. 1776 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-11-2025

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THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL RC No. 1776 of 2023

Mr.VELLAISAMY

..Petitioner(s)

Vs

State by
Inspector of Police, J-3, Guindy Traffic Investigation
Wing, Guindy, Chennai - 600 090.

..Respondent(s)

Prayer: Criminal Revision Case filed under Sections 397 and 401 of Code of Criminal Procedure to set aside judgment passed in C.A.No.115 of 2022 dated 11.07.2023 by the XIX Additional Sessions Court, Chennai thereby confirming the judgment of Conviction passed in C.C.No.1355 of 2015 by the Learned IV Metropolitan Magistrate, Saidapet, Chennai in the judgment dated 11.05.2022.

For Petitioner(s): Mr.K.Subburam

For Respondent(s): Mr.S.Vinoth Kumar
Government Advocate (Crl.side)

ORDER

This Criminal Revision is filed against the judgment of the learned IV Metropolitan Magistrate, Saidapet, Chennai dated 11.05.2022 made in



C.C.No.1355 of 2015 and the judgment of the learned XIX Additional Sessions Judge, Chennai dated 11.07.2023 made in C.A.No.115 of 2022.

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2. By the said judgment, the trial Court convicted the petitioner of an offence under Section 279 of Indian Penal Code and sentenced to undergo one month imprisonment and to pay a fine of Rs.1,000/- and in default of payment of fine, to undergo one week simple imprisonment; for an offence under Section 338 of Indian Penal Code and sentenced to undergo one month simple imprisonment and to pay a fine of Rs.1,000/- and in default, to undergo one week simple imprisonment; and for an offence under Section 304(A) of Indian Penal Code and sentenced to undergo six months simple imprisonment and to pay a fine of Rs.8,000/- and in default, to undergo one month simple imprisonment.

3. The case of the prosecution is that, on 31.07.2014, when PW11/Rajapandi, Inspector of Police was on duty at J-3, Guindy Police Station, received a complaint from PW4 to the effect that he is employed in the shop Poorvika mobiles at Anjugam Nagar 2nd Street, Chennai - 600083 and in front of the shop, there is a Metropolitan Transport Corporation (MTC) bus stop and on 31.07.2014, at about 10:00 a.m., a MTC bus bearing registration number TN 01 N 8985 was driven in a negligent manner and hit the two-wheeler which was



going in front of the bus and also hit against the passenger who was standing in the bus stop and thereafter dashed against the tree and stopped.

4. The passenger standing in the bus stop suffered grievous injuries, while the person who travelled in the two-wheeler succumbed to the injuries. On the strength of the said allegations, a case was registered under Sections 279, 337 and 304(A) of Indian Penal Code in Crime No.596 of 2014 and was taken up for investigation.

5. After completing investigation, a final report was filed proposing the accused guilty of the offences under Sections 279, 338 and 304(A) of Indian Penal Code. Upon the case being taken on file as C.C.No.1355 of 2015 and issue of summons, furnishing of copies and questioning, the accused denied the charges and stood the trial. In order to bring home the charges, the prosecution examined PW1 to PW11 and Ex.P1 to Ex.P14 were marked. Upon being questioned under Section 313 of the Code of Criminal Procedure about the material evidence on record, the accused denied the same as false. Thereafter, no evidence was let in on behalf of the defence.

6. The trial court, thereafter considered the case of the prosecution and considering the evidence of PW3, who is the injured witness and an eye witness to the occurrence and PW4, who is also an eyewitness to the occurrence and the other corroborating evidence on record, concluded that the prosecution proved



the guilt of the accused in respect of the offences beyond any reasonable doubt and sentenced him as aforementioned.

7. Aggrieved there by, the accused filed an appeal in C.A.No.115 of 2022 before the learned XIX Additional Sessions Judge, Chennai. The appellate Court once again reappreciated the evidence and confirmed the conviction and sentence imposed by the trial court, as against which the Criminal Revision is filed.

8. The learned counsel appearing on behalf of the petitioner by relying upon the rough sketch, the place of the accident, the time of accident and the manner in which the MTC buses navigate in the road concerned, especially, during the peak hours, such as 10:00 a.m., in the morning would submit that this is a case of a sudden happening. It can only be said that the accused didn't do enough to avoid the accident and it cannot be said that the accused drove the vehicle in a rash or a speedy manner and caused the accident.

9. When this Court pointed out to the fact that in any event, the reasonable care that is expected of the driver is not exercised in the instant case and the fact that a two-wheeler and immediately a passenger was hit and the bus dashed against the tree also, the learned counsel submitted about the background of the petitioner and argued about the punishment.



10. This Court took into account the fact that the tree was also on the road margin and the bus shelter was immediately next to the tree and the road is the busy Vadapalani to Guindy road. The time of accident i.e., 10:00 a.m., in the morning where the entire road is fully crowded is also taken into account. Thus, I conclude that the accident happened on account of the rashness and negligence in the sense that not taking reasonable care and concentration in the driving of the vehicle. But not be on account of any aggravated or egregious conduct of high speed etc.

11. Under the said background, the fact that the accident happened in the year 2014 and the accused is facing the proceedings for the past 11 years was also considered. The injured victim had filed a claim petition and claim was also awarded. On behalf the deceased, the dependents have filed a claim petition and the compensation is also awarded.

12. Considering all the above, in view of the pleading that was made by the learned counsel for the petitioner, this Court directed the Investigating Officer to obtain a report from the Probationary Officer. The Probationary Officer's report dated 26.08.2024 was also thereafter obtained and placed before this Court.

13. The report states that the accused has a regular place of abode and also gives background about his family and also recommends about the good



conduct of the accused and that he doesn't have any other bad antecedents and has given a favourable report for the release of the accused on probation.

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14. In view there of, for all the reasons stated above, I am of the view that in this case after confirming the conviction of the accused in respect of the offences, instead of proceeding to sentence him, after admonition, the accused can be released on probation under the provisions of the Probation of Offenders Act, 1958. It is also submitted that the accused is not interested in getting the fine amount refunded, the same is also recorded.

15. In view there of, this Criminal Revision is allowed on the following terms.

i) The conviction of the accused for the offences under Section 279, 338 and 304(A) of Indian Penal Code vide Judgment in C.C.No.1355 of 2015 dated 11.05.2022 by the trial court and that of the appellate court in C.A.No.115 of 2022 dated 11.07.2023 shall stand confirmed, however instead of proceeding to sentence the accused, after admonishing, the accused is released on probation on the terms that he has to file a undertaking of good conduct for a period of one year before the trial court within 3 weeks from the date of receipt of a copy of this order and keep up the undertaking given in the bond and upon failure to keep up, the accused should appear before this Court again to take the sentence.



ii) It is made clear that the the conviction will not be a disqualification for any purpose including that of service purposes as per Section 12 of the Probation of Offenders Act, 1958.

07-11-2025

Neutral Citation: No

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To,

- 1.The Inspector of Police, J-3,
Guindy Traffic Investigation Wing,
Guindy, Chennai - 600 090.
- 2.The IV Metropolitan Magistrate,
Saidapet, Chennai.
- 3.The XIX Additional Sessions Court,
Chennai.
4. The Public Prosecutor,
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY J.

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