



Crl.RC .No.1683 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C.No.1683 of 2023

and

Crl.M.P.Nos.15982 of 2023 & 4126 of 2024

Senthil Kumar

..... Petitioner

Vs

State Rep. by
Inspector of Police,
Perambalur Police Station,
Perambalur.
Crime No.102 of 2016.
Respondent

.....

Prayer: Criminal Revision is filed under Section 397 r/w Section 401 of Criminal Procedure Code, praying to set aside the sentence and conviction imposed against the petitioner by the learned Judicial Magistrate No.I, Perambalur in C.C.No.129 of 2017 dated 10.04.2023 and confirmed by the Principal District and Sessions Judge, Perambalur in C.A.No.9 of 2023 dated 14.08.2023 and allowed the revision petition.

For Petitioner : Mr.S.Senthilkumar

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER



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This Criminal Revision Case has been filed challenging the

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Judgment dated 14.08.2023 passed in C.A.No.9 of 2023 on the file of the Principal District and Sessions Judge, Perambalur, thereby confirming the order dated 10.04.2023 passed in C.C.No.129 of 2017 on the file of the Judicial Magistrate No.I, Perambalur, for the offences punishable under Sections 279 and 304 of IPC.

2. The case of the prosecution is that on 30.01.2016, when the defacto complainant and his father were returning to their home after attending a condolence ceremony of a relative at Melapuliyur, proceeding from north to south, at about 7.00 a.m. the accused had driven his mini bus bearing registration No.TDR-3645, which came from the same direction in a rash and negligent manner, dashed against the deceased. As a result of which, he sustained fatal injury on his head and succumbed to the same.

3. Based on the complaint, the respondent registered an FIR in Crime No.102 of 2016 for the offence punishable under Sections 279 and 304A of IPC. After completion of the investigation, a final report was filed and the same was taken cognizance by the Trial Court in



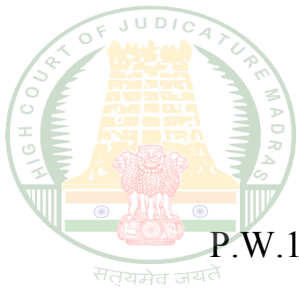
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4. On the side of the prosecution, P.Ws.1 to 8 were examined and Exs.P1 to P7 were marked. On the side of the accused, no witnesses were examined and no documents were marked. On perusal of the oral and documentary evidence, the Trial Court found the petitioner guilty of the offence punishable under Section 279 of IPC and sentenced him to undergo simple imprisonment for a period of three months and to pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for the period of two weeks. Further, he convicted for the offence under Section 304A IPC and sentenced to undergo simple imprisonment for a period of one year and to pay fine of Rs.2,000/- in default to undergo simple imprisonment for a period of one month. Aggrieved by the same, the petitioner preferred an appeal in C.A.No.9 of 2023 before the Principal District and Sessions Judge, Perambalur and the same was dismissed and confirmed the order of conviction and sentence imposed by the Trial Court. Hence, the present revision has been filed.

5. The learned counsel appearing for the petitioner would submit that though P.Ws.2 & 3 were cited as eye witnesses, they did not support the case of the prosecution. Only on the basis of evidence of



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P.W.1, who is the son of the deceased, the Trial Court and the Appellate Court convicted the petitioner. P.W.1 deposed that while he and his father were returning home on the road, the petitioner, who was driving his mini bus in the same direction, hit the deceased from behind. If at all the petitioner had driven his bus in a rash and negligent manner, P.W.1 also would have met with the accident and sustained injuries. Therefore, there is absolutely no possibility for the petitioner to hit the deceased alone. Further, the mahazar witnesses, P.W.4 and P.W.6, did not support the case of the prosecution. Even then, the Trial Court, without considering the facts and circumstances, convicted the petitioner.

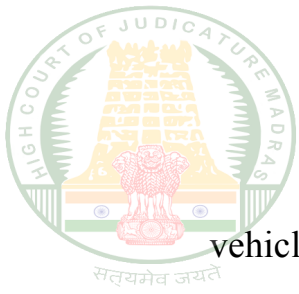
6. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent submitted that P.W.1, an eye witness to the occurrence, categorically deposed that the petitioner drove the mini bus in a rash and negligent manner and hit the deceased from behind. He also identified the petitioner as the driver of the offending bus. P.Ws.4 and 6 were examined as observation mahazar witnesses. Though they did not support the case of the prosecution during cross examination, their chief examination supported the case. The Motor Vehicle Inspector, who examined the offending vehicle, submitted a report that the accident was



not happened due to any mechanical defect. Thus, the prosecution categorically proved the case and the Trial Court rightly convicted the petitioner and the same was confirmed by the Appellate Court. Hence, the conviction does not warrant any interference by this Court.

7. Heard the learned counsel appearing on either side and perused the materials available on record.

8. On 30.01.2016, while P.W.1 and his father were returning home by walking along the Melapuliyur to Ladapuram Road, from north to south direction, the petitioner drove his mini bus in a rash and negligent manner and hit P.W.1's father, who was walking just ahead of him. After hitting him, the rear wheel of the bus ran over the head of the deceased, causing grievous injuries, leading to his death on the spot. P.W.1 categorically deposed that the petitioner had driven his mini bus in a rash and negligent manner and hit his father. He also identified the petitioner as the driver of the bus. Though P.Ws. 2 and 3 were cited as eyewitnesses, they deposed that they only heard about the accident and that the petitioner had driven the bus in a rash and negligent manner and hit the deceased. Further, the offending vehicle was subjected to motor



vehicle inspection and the Motor Vehicle Inspector, who submitted a report stating that there was no mechanical fault in the vehicle and the same was marked as Ex.P6.

9. A perusal of Ex.P6, the Motor Vehicle Inspector's report, reveals that the accident was not happened due to any mechanical defect. Therefore, the prosecution proved the charges against the petitioner and the Trial Court rightly convicted the petitioner and the same was confirmed by the Appellate Court. However, the learned counsel for the petitioner has pleaded for leniency in sentence, considering the age of the petitioner.

10. Considering the above facts and circumstances of the case and taking into account the age of the petitioner, this Court is inclined to modify the sentence. Accordingly, while the conviction imposed by the Trial Court is confirmed, the sentence of simple imprisonment for a period of one year is modified to a period of six months. The respondent is directed to secure the petitioner to undergo the remaining period of sentence forthwith.



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11. In the result, this Criminal Revision Case is partly

allowed. Consequently, connected miscellaneous petitions are closed.

25.06.2025

Index : Yes/No
Internet : Yes/No
Speaking/Non Speaking order
Lpp

To

1. The Principal District and Sessions Judge,
Perambalur

2. The Judicial Magistrate No.I,
Perambalur.

3. The Inspector of Police,
Perambalur Police Station,
Perambalur.

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4. The Public Prosecutor,
High Court, Madras.



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