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Crl.R.C.Nos.142 of 2023 & 335 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : **04.11.2025**

PRONOUNCED ON :**18.11.2025**

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.Nos.142 of 2023 & 335 of 2024

and

Crl.M.P.No.3095 of 2024

Crl.R.C.No.142 of 2023

B.Anandan

... Petitioner

Versus

1.M.Badhrinarayanan

2.State by

Inspector of Police,
Traffic Investigation,
D6 Anna Square Police Station,
Chennai – 600 005.

... Respondents

Prayer : Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C, praying to call for the records in C.A.No.71 of 2021 on the file of the 21st Additional Judge, City Civil Court, Chennai functioning at Allikulam, Chennai and set-aside the order passed in the said C.A.No.71 of 2021 dated 29.09.2022 by the said learned 21st Additional Judge, City Civil Court, Chennai partly allowing the order passed by the Trial Court in CC.No.1926/2012 passed by the learned VI Metropolitan Magistrate at Egmore, Chennai dated 07.08.2019.



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Crl.R.C.Nos.142 of 2023 & 335 of 2024

For Petitioner : Dr.A.E.Chelliah
Senior Counsel
assisted by Mr.R.Parthaban

For Respondents : Mr.N.Paul Sundar Singh
for Ms.R.Shailaja [R1]
Mr.S.Vinoth Kumar
Government Advocate (Crl.Side) [R2]

Crl.R.C.No.335 of 2024

Juliet Dola Rose

... Petitioner

Versus

1.M.Badhrinarayanan

2.State rep. by
The Inspector of Police,
Traffic Investigation,
D6, Anna Square Police Station,
Chennai – 600 005.

3.B.Anandan

... Respondents

Prayer : Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C, praying to allow the Revision so far as the portion touching the punishment given to the accused Ananthan with the fine amount of Rs.5000 which indicates that the four-wheeler of the Revision petitioner is involved in the alleged occurrence and set aside the same by calling for records in C.A.No.71 of 2021 on the file of the 21st Additional Judge, City Civil Court, Chennai functioning at Allikulam, Chennai.

For Petitioner : Dr.A.E.Chelliah
Senior Counsel
assisted by Mr.R.Parthaban



Crl.R.C.Nos.142 of 2023 & 335 of 2024

For Respondents : Mr.N.Paul Sundar Singh
for Ms.R.Shailaja [R1]
Mr.S.Vinoth Kumar
Government Advocate (Crl.Side) [R2]
Dr.A.E.Chelliah
Senior Counsel
assisted by Mr.R.Parthiban [R3]

COMMON ORDER

B. Anandan, the accused in C.C. No. 1926 of 2012, and Juliet Dola Rose, P.W. 10 in the same case, have filed these two criminal revisions feeling aggrieved by the judgment of the appellate court. They are therefore taken up together and disposed of by this common order.

2. On 28.07.2011, when P.W.15, Ravichandran, was on duty at D6 Anna Square Police Station, Raja, son of Selvam, lodged a complaint stating that he was working as a painter. While he was finishing his work on that day, i.e., on 27.07.2011, at about 10:45 p.m., he was sitting near the statue. At that time, it suddenly started raining, and he ran to a nearby bus shelter. A black car, coming from south to north on Kamarajar Salai, was driven at high speed and, near the statue, turned right to enter the beach. It hit a motorcycle coming from north to south. The car continued inside the beach without stopping and drove away. The motorcycle rider fell down after the incident. Nearby persons



informed the 108 ambulance, which arrived and examined the injured person, pronouncing him dead. He had suffered severe injuries to his right leg. The motorcycle's registration number was TN-07-BJ-0321. After his relatives arrived and his identity was later confirmed as Ruban Kumar, son of Muthukrishnan, the complaint requested action against the person who caused the accident and fled without stopping the vehicle.

3. Based on the said allegations, P.W.15 registered a case in Cr.No.249 of 2011 for the alleged offence u/s 304(A) IPC and 184 of the Motor Vehicles Act (in short 'the MV Act') and commenced investigation. After completing the investigation, he submitted a final report proposing the accused Anandan as guilty of the offences u/s 304(A) IPC and 184, 134(a) & (b) r/w 187 of the MV Act and 158 (1)(c) r/w 177 of the MV Act. When the case was taken on file, summons were issued to the accused, and copies were furnished. When questioned about the charges, the accused denied the offences and pleaded not guilty.

4. To establish the charges, the prosecution examined P.W.15, and Ex.P.1 and Ex.P.18 were marked. During the trial, the defence marked Ex.D.1 to Ex.D.12. On behalf of P.W.10, the intervenor, Ex.X.1 to Ex.X.9 were also marked.



5. Upon being questioned under section 313 of the Code of Criminal Procedure about the incriminating evidence on record, the accused denied it as false. Thereafter, no oral evidence was presented on behalf of the defence. The trial court considered the parties' case. Firstly, it was observed that the complaint did not include the registration number provided by the first informant. The first informant, a third party who witnessed the accident, was also not examined by the prosecution. The other eyewitness, P.W.1, did not provide the vehicle's registration number. Similarly, P.W.5, who claimed to have chased the vehicle, also did not notice the registration number but only reported that a member of the public informed them that the car's number was 1487. The trial court then considered the evidence of P.W.15, the Investigating Officer, and concluded that identifying the car as 1487 was not clearly proven by the prosecution. Coupled with the facts and the defence's version that they had already scheduled the car's servicing at a service centre, the trial court rejected the prosecution's claim that the Ford Figo was left for servicing only after the accident. The court then examined the repair order in Ex.D.2 and disbelieved the prosecution's account concerning the damage to the car. Accordingly, the trial court found that the prosecution failed to prove the identification of the car, the accused Anandan, and the incident, and, giving the benefit of doubt, acquitted him.



6. Aggrieved thereby, M. Badhrinarayanan, the intervenor, filed an appeal against the acquittal in Crl.A.No.71 of 2021. The appellate court first considered the evidence of the service station staff, who noted that the person who admitted the car for service observed that the left front wheel area above the wheel needed repair and that the sound from the car required attention. The appellate court then examined the non-cooperation of the car owner, Juliet Dola Rose, who initially denied having the car, then claimed that the car was outside the city, and finally admitted that the car was left for service. The owner's conduct was taken into account. The appellate court subsequently reviewed the forensic expert's report, which indicated that the heights of both the car and the motorcycle were consistent, and that there was a possibility that both vehicles collided as described by the prosecution. The reasons for the victim's death, established by the postmortem doctor and scientific officer, were also considered. While leaving the car for service, the name shown was Trendy, but the actual owner was Anandan. This individual also did not cooperate with the prosecution until a letter of request was sent to the Regional Transport Officer, after which the investigating officer obtained a copy of the license. Investigation revealed that, in addition to causing the accident, the accused failed to provide medical aid to the victim, failed to inform the police of the incident, and failed to



surrender the license. Other offences under the MV Act were also charged. The appellate court believed that, after the accident, the car was left for service to evade law enforcement. Consequently, the court concluded that the accused and the vehicle were involved in the accident. However, noting that the day was rainy and P.W.1 did not state that the car was driven rashly or negligently, and considering that P.W.2 and P.W.3 were hearsay witnesses, the prosecution did not establish the offence under section 304(A) IPC beyond a reasonable doubt. Nonetheless, the appellate court found that the accused's conduct violated section 134(a) & (b) read with Section 187 of the MV Act. As a result, the trial court's acquittal was reversed, and the accused was fined Rs. 5000/-. In default of payment, he was to undergo simple imprisonment for one month. Accordingly, the appeal was partly allowed. Aggrieved thereby, both the accused and the vehicle owner filed the above revision petitions.

7. Heard _____, Learned Senior Counsel for the petitioners, _____ Learned Counsel appearing for the first respondent and _____, Learned Government Advocate, appearing for the second respondent.



8. Learned Senior Counsel would submit that, in this case, the revision petitioners had nothing to do with the case, and due to the erroneous attribution of blame to the accused and the vehicle, they have suffered physically, mentally, and financially to the maximum extent. The Learned Senior Counsel would argue that since the alleged incident involved an accident caused by the vehicle and the victim was said to be riding a motorcycle, it is notable that the prosecution did not seize the motorcycle. In fact, P.W.2 admits he even sold the motorcycle. P.W.4 also admitted that the motorcycle was taken to the police station immediately after the accident. Therefore, this oversight by the prosecution is fatal. Without any evidence that the accident was not caused by a mechanical fault in the motorcycle, the prosecution's case collapses.

9. , the Learned Senior Counsel then relies on P.W.1, the alleged eye-witness, who was not examined on the spot, was not taken to the police station, and did not mention the vehicle's registration number. He argues that unless the prosecution first proves that the vehicle involved belonged to the petitioners and that the accused was driving it and caused the accident, offenses under section 134(a) and (b) of the MV Act read with Section 187 would not arise. The Court is



then guided through the repair order, Ex.P.3 and Ex.D.3, which lack details of the six dents and other damages as claimed by the prosecution.

The evidence about how the deceased was taken to the hospital and by whom remains unproven. No movement register was seized or produced to confirm P.W.5, Mani, was in charge of the night patrol vehicle at the site. Notably, two documents related to the repair order, marked as Ex.D.2 and Ex.D.3 by the defense, were suddenly produced as evidence before the High Court in the connected writ petition. Considering these facts and circumstances, the trial court entirely disbelieved the prosecution's version and held that the case was not proved.

10. The Learned Senior Counsel would submit that, given the evidence, the prosecution did not even file an appeal; only the deceased's brother, Badhrinarayanan, filed an appeal. Since the motorcycle involved in the accident was allegedly kept at the police station for about a month and was only taken away by the relatives of the deceased, and no other materials were seized from the scene, nothing substantial was established. The appellate court erred gravely in convicting the accused under the MV Act. In fact, the appellate court failed to consider several arguments submitted on behalf of the petitioners, and the judgment does not state the reasons. Paragraph 9 of the judgment notes that P.W.6 was cross-



examined in detail and that efforts were made to establish through P.W.6 that Ex.D.1 and Ex.D.2 were prepared by the police during the investigation. However, the appellate court did not understand what Ex.D.1 and Ex.D.2 actually are. Without the motorcycle, the court could not consider evidence of a collision as described by the prosecution. The Learned Senior Counsel points out that the appellate court overlooked several significant pieces of evidence, making this a suitable case for reversing the findings and for acquitting the accused.

11. Per contra, Learned Government Advocate, would submit that this is a case where a passerby standing near the Avvaiyar statue gave the first information. It can be seen that immediately after the accident, the accused was speeding away, and it is a case of hit and run. Immediately, P.W.5 initiated a chase. However, since an alarm was raised, only two details were gathered: that the car was a Ford Figo, its colour, and registration number 1487. Using this information, the owner of the car was identified, and she provided completely false and evasive answers. It was also found that the car was sent for service, with entries in the repair order noting the dent, indicating the car's involvement in the accident. When the owner was examined and it was confirmed that the car was in the custody of the accused, Anandan,



the prosecution proved the involvement of both the vehicle and the accused beyond any reasonable doubt. Considering that it was a rainy day, and the manner of the accident, which was not precisely witnessed, both the trial court and the first appellate court gave the benefit of doubt regarding the offence under section 304(A) IPC. The other offence, however, was conclusively proved by the prosecution.

12. the learned counsel appearing on behalf of the first respondent/intervenor, who is the brother of the victim, namely Badrinarayanan, would submit that, as a matter of fact, it is only a token of justice rendered to the victim and their family, at least by imposing a fine of Rs. 5,000/- for the offence under the MV Act. In this case, even the available evidence is enough to convict the appellant for the offence under section 304(A) IPC as well. As a matter of fact, this Court, even in the exercise of powers of revision, should remand the entire matter back to the trial court so that the accused is punished appropriately for all the offences. When scores of people are watching in the busy Kamarajar Salai, the accused, after causing the accident, tried to escape in a reckless manner, and this case ought to even be dealt with under the provisions of Section 304(ii) IPC.



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

14. As far as the offence u/s 304A IPC is concerned, both the trial court and the appellate court have acquitted the accused. The appellate court, while confirming the judgment of the trial court regarding the offence u/s 304A, reversed the findings only concerning the offence u/s 134 (a) and (b) read with Section 187 of the MV Act. Under Section 134(a) of the MV Act, unless it is not practicable due to mob fury or other reasons, the driver involved in an accident has a duty to take steps to secure medical attention for the injured person by taking him to the nearest medical practitioner or hospital. Under Section 134(b) of the MV Act, the driver must also report the incident to the police. Failure to do so is punishable by up to three months' imprisonment, a fine of up to Rs.500/-, or both, for the first offense. Although the prosecution did not seize the motorcycle, there is evidence regarding the motorcycle's type and registration number. In this case, P.W.1, Iyyapan, is an eyewitness to the accident. His testimony regarding registration number 1487 appears to be an embellishment, as he admitted he did not initially mention it. Nonetheless, he saw and identified the car involved in the accident. Witnesses' mention of the car's black colour and 'Sambal'(grey) is



natural and not a contradiction. P.W.5 states that while patrolling at the specified location, he was informed that a black Ford Figo bearing registration number 1487 had hit a two-wheeler and was heading towards Lighthouse. This information was relayed to the control room, and efforts were made to trace the vehicle. When the vehicle was not found, they returned to the accident site, where an ambulance was also present.

15. P.W.6, Deputy Manager at Ford service, confirmed that the accused signed the repair order and left the car for service. He denied that the repair order form was prepared under police pressure. The repair order contained dents consistent with the prosecution's case. P.W.8, a worker who performed the repairs, was also examined. P.W.9, an expert, opined after inspecting both the two-wheeler and Ford Figo that their heights from the ground were 68 and 69 centimetres respectively, making a collision between them possible.

16. P.W.10 initially denied ownership of the vehicle but later gave inconsistent answers during the investigation. Ex.X.1 to Ex.X.9, does not in any manner demonstrate that the vehicle was involved. The investigation officer's testimony regarding tracing the vehicle and the conduct of the owner and the accused is credible, especially considering



P.W.15's evidence about non-cooperation. The prosecution's claim through P.W.5, Mani, who deposed that a bystander identified the vehicle as a Ford with number 1487 and that he tried to chase it, is credible. When the vehicle was seized the next day, the scientific report and other evidence confirmed the vehicle's and the accused's involvement; the trial court's doubts about these aspects are unreasonable, and the appellate court correctly reversed those findings, establishing that the accused is guilty of the offence punishable under Section 187 read with Section 134(a) and (b) of MV Act.

17. The least that is expected of the accused is to stop the vehicle and try to save a life, and also inform the police of the same. The accused not only panicked and ran away, but also repeatedly tried to conceal the entire offence. However, it can be seen that with reference to the other offence u/s 304(A) IPC, no further appeal was filed. The appellate court also took an extremely lenient view, not imposing the sentence of imprisonment but imposing only a fine of Rs. 500/-. It is brought to the notice that the same is also now paid. Accordingly, I find that the appellate court's findings that the vehicle concerned was very much involved in the accident and that the accused drove it, as established by the prosecution, are in order. The mere fact that the motorcycle was not



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produced and that there were other fallacies in the investigation would not disprove the said facts. The doubt being created over the repair orders is unsustainable, especially given the conduct of P.W.10 and the accused. Therefore, the other submissions made by the Learned Senior Counsel are equally without merit.

18. Accordingly, finding no merits, the revision petitions stand dismissed. Consequently, the connected miscellaneous petition is closed.

18.11.2025

Index : yes/no
Speaking/Non-speaking order
Neutral Citation Case : Yes/No
sp



Crl.R.C.Nos.142 of 2023 & 335 of 2024

To

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- 1.The 21st Additional Judge,
City Civil Court,
Chennai.
- 2.The VI Metropolitan Magistrate at Egmore,
Chennai.
- 3.The Inspector of Police,
Traffic Investigation,
D6 Anna Square Police Station,
Chennai – 600 005.
- 4.The Public Prosecutor,
High Court of Madras.



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Crl.R.C.Nos.142 of 2023 & 335 of 2024

D.BHARATHA CHAKRAVARTHY, J.

sp

**Pre-delivery Order
in
Crl.R.C.Nos.142 of 2023 & 335 of 2024**

18.11.2025



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Crl.R.C.Nos.142 of 2023 & 335 of 2024
and
Crl.M.P.No.3095 of 2024

D.BHARATHA CHAKRAVARTHY.J.,

The matter is listed under the caption “for being mentioned”.

2. In the appearance portion of the order dated 18.11.2025 in Crl.R.C.Nos.142 of 2023 & 335 of 2024, the counsel's name shall be corrected as ***Mr.R.Prathaban.***

3. The Registry is directed to issue a fresh order copy by carrying out the said correction.

11.12.2025

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D.BHARATHA CHAKRAVARTHY.J.,

ns1

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11.12.2025