



Crl.RC.No.1647 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2025

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THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.RC.No.1647 of 2024

Saravanan

...Petitioner

Vs.

State by the Inspector of Police,
Tirupattur Town Police Station.
(Cr.No.83 of 2018)

...Respondent

This Criminal Revision is filed under Section 442 of BNSS against the judgment dated 31.07.2024 made in C.A.No.167 of 2023 on the file of the District and Sessions Judge, Tirupattur, Tirupattur District partly allowing the judgment dated 18.10.2023 made in C.C.No128 of 2021 on the file of the Judicial Magistrate No.I, Thirupattur, Vellore District by allowing the Criminal Revision Petition.

For Petitioner : M/s.E.Duraivaiyapuri

For Respondent : Mr.J.Subbiah, GA (Crl. Side)

ORDER

This Revision is filed challenging the judgement dated 31.07.2024 made by the District and Session Judge Tirupattur in C.A.No.167 of 2023. By the said judgement, the Appellate Court partly allowed the Criminal Appeal while upholding the conviction for the offence under



CrI.RC.No.1647 of 2024

WEB COPY

Section 279 and 304(A) of Indian Penal Code, 1860. The punishment imposed by the trial court in respect of Section 279 of Indian Penal Code, 1860 is confirmed and in respect of offence under Section 304(A) of Indian Penal Code, 1860 was modified as simple imprisonment for a period of three months.

2. By a judgement dated 18.10.2023 made in CC.No.128 of 2021 the trial Court - the Judicial Magistrate No.I, Tirupattur, found the accused guilty of the offence under Section 279 of IPC and to undergo simple imprisonment for a period of three months and in respect of the offence under Section 304(A) of IPC sentenced to undergo simple imprisonment for a period of one year and to pay a fine of Rs.5000/-, in default to undergo simple imprisonment for a period of two weeks.

3. The case of the prosecution is that on 15.04.2018, at about 8.20 a.m, when the deceased was riding his bicycle in Kovilur Junction, opposite to Sacred Heart College, the accused drove the tipper lorry bearing Regn.No.TN27 F 7799 towards Kovilur roadway in a rash and negligent manner and dashed against the bicycle and the deceased suffered injuries and he succumbed to the injuries. Accordingly, a case



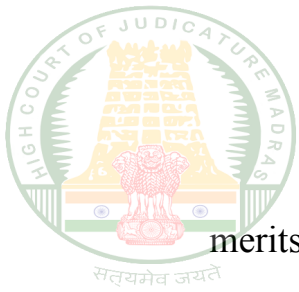
CrI.RC.No.1647 of 2024

was registered in Crime No.83 of 2018 for the offences under Sections 279 and 304(A) of Indian Penal Code, 1860. PW.9, the Inspector of Police, took up the case for investigation and filed a final report proposing the accused guilty of the offences. The case was taken on file as CC.No.128 of 2021.

4. Upon issue of summons and questioning, the accused denied the charges and stood trial. In order to bring home the charges P.W.1 to P.W.9 were examined on behalf of the prosecution and Exhibits P1 to P9 were also marked. Upon being questioned under Section 313 of the Code of Criminal Procedure, 1973, the accused denied the material evidence on record as false. Subsequently, no evidence was let in on behalf the defence.

5. The trial Court after considering the case of the parties convicted the petitioner and sentenced him as aforementioned. The appeal filed by the petitioner was also partly allowed confirming the conviction and modifying the punishment.

6. The learned counsel for the petitioner initially started arguing on



merits and thereafter made his submissions with reference to quantum of sentence also.

7. The learned Government Advocate (Crl. side) would contend that the prosecution in this case had proved the offence beyond any doubt.

8. Eventhough certain arguments were made by the learned counsel for the petitioner, I am unable to find any clinching submission, so as to upturn the findings of guilt in exercise of power under revisionary jurisdiction.

9. I consider the following with reference to quantum of sentence, the petitioner is a first offender and he is not involved in any other case, either prior to the accident or subsequent to the accident. The manner of accident is also taken into account. The age of the petitioner i.e., 44 years at the date of accident is also taken into account. The fact that the case was filed on behalf of the dependants of the deceased for compensation and the same was also awarded is also taken into account. The accused has undergone imprisonment for a period of five days. While the fine



CrI.RC.No.1647 of 2024

amount imposed by the Courts below can be confirmed and the fact that the fine amount is already paid is also recorded and the period of imprisonment alone can be modified as one already undergone. In view thereof, this Revision is partly allowed on the following terms:

(i) The finding of guilt for the offences under Sections 279 and 304(A) of Indian Penal Code, 1860 by the trial Court by judgment dated 18.10.2023 in C.C.No.128 of 2021 and the Appellate Court vide judgement dated 31.07.2024 in C.A.No.167 of 2023 is confirmed.

(ii) The fine amount as imposed by the Courts below is confirmed and the fact that it is already paid is recorded and with reference to the sentence of imprisonment, the same is modified as one already undergone.

20.08.2025

RAP

NCC : Yes / No



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Crl.RC.No.1647 of 2024

D.BHARATHA CHAKRAVARTHY.J.,

RAP

To

1. The District and Sessions Judge, Tirupattur, Tirupattur District
2. The Judicial Magistrate No.I, Thirupattur, Vellore District
3. The Inspector of Police,
Tirupattur Town Police Station.
4. The Public Prosecutor,
High Court of Madras.

Crl.RC.No.1647 of 2024

20.08.2025