



Crl.R.C.No.1687 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.08.2025

CORAM:

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

Crl.R.C.No.1687 of 2022

Satheeskumar

... Petitioner

Vs.

State rep. by,
The Inspector of Police,
Keelapalur Police Station,
Ariyalur District.
Crime No.167 of 2018.

... Respondent

PRAYER: Criminal Revision Case has been filed under Section 397 r/w 401 of Code of Criminal Procedure, to set aside the judgment passed by the learned Judicial Magistrate Court-II, Ariyalur in C.C.No.160 of 2018 dated 17.06.2022 as confirmed by the Judgment of the learned Principal District and Session Judge, Ariyalur in C.A.No.9 of 2022 dated 14.09.2022.

For Petitioner : Mr.S.N.Arunkumar

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

ORDER

This revision is filed challenging the judgment of the Principal District and Sessions Judge, Ariyalur, dated 14.09.2022, made in Criminal Appeal No.

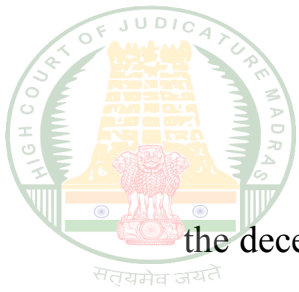


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9 of 2022. By that judgment, the appellate Court confirmed the conviction and sentence imposed on the petitioner by the judgment of the learned Judicial Magistrate-II, Ariyalur, in C.C. No. 160 of 2018, dated 17.06.2022.

2. By the said judgment, the trial Court found the appellant guilty of the offence punishable under Section 337 of IPC (4 counts) and imposed a fine of Rs. 500/- for each count, with a default of 7 days simple imprisonment; for an offence punishable under Section 338, a fine of Rs. 1,000 was imposed, with a default of 7 days simple imprisonment; for an offence punishable under Section 304(A) (2 counts), one year of simple imprisonment for each count was ordered, along with a fine of Rs. 5,000 for each count, and in default, 3 months of simple imprisonment. It was also ordered that the simple imprisonment for the offence under Section 304A for both counts should be served consecutively.

3. The case of the prosecution is that on 28.06.2018, in the morning between 6:45 and 7:00 AM, when the deceased and the injured witnesses were all standing in the bus shelter inside the superstructure, the accused drove the Xylo car bearing registration number TN-61-P-4757 at high speed, in a rash and negligent manner, lost control, and entered the bus shelter, mowing down

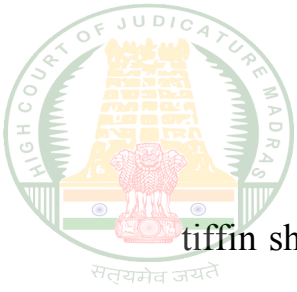


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the deceased and causing injuries to the other witnesses. Upon the occurrence, the case was registered as Crime No. 167 of 2018, and P.W.15 took up the investigation and laid a final report proposing the accused's guilt under Sections 279, 337, 338, and 304(A) of the Indian Penal Code. The case was taken on file as C.C. No. 160 of 2018. Upon issue of summons, the accused appeared, and copies were furnished. Upon questioning, the accused denied the allegations and stood trial.

4. To establish the charges, *Golanjiyappan* , who was also an injured witness and who gave the complaint marked as Exhibit P1, was examined as PW1. He stated that he, along with the deceased persons, was standing in the bus shelter when the accident occurred. The prosecution treated him as hostile because he did not testify that the vehicle was driven rashly and negligently by the accused. One *Balachandran* , who immediately went to the bus shelter after the accident, was examined as P.W.2. He was also treated as hostile and cross-examined by the prosecution.

5. *Kumar* , who was standing near a tea shop and witnessed the Xylo car being driven in a zigzag manner, was examined as P.W.3. Stalin, who runs a



tiffin shop and observed the accident from his shop, was examined as P.W.4.

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Swaminathan, one of the injured witnesses, was examined as P.W.5. Vikram, another injured witness, was examined as P.W.6. *Thirunavukarasu* , who also saw the accident and was injured, was examined as P.W.7. *Raja Mohammad* , who heard about the accident and stood as a witness to the observation mahazar (Ex.P2), was examined as P.W.8. *Silambarasan* , a witness to Ex.P3, was examined as P.W.9. *Prabhakar* , the owner of the vehicle driven by the accused, was examined as P.W.10; he heard about the accident and confirmed that the vehicle was driven solely by the accused.

6. One *Jayaganga* , was examined as P.W.11, treated as hostile, by the prosecution. One *Maarimuthu* , the doctor who treated the injured witnesses, was examined as P.W.12. One *Saravanabhavan* , the Motor Vehicle Inspector, was examined as P.W.13. Another doctor, *Kanmani* , who treated the injured witnesses, was examined as P.W.14; she also conducted the post-mortem of the deceased and gave her opinion. The investigating officer, Subbaiya, was examined as P.W.15. The prosecution also marked Exs.P1 to P17, which included the complaint, observation mahazar, wound certificates of the injured



witnesses, motor vehicle inspection report, post-mortem reports, first information report, observation mahazar and rough sketch, and the alteration report.

7. Upon being questioned about the incriminating circumstances and material evidence on record under Section 313 of the Code of Criminal Procedure, the accused denied them as false. No evidence was presented on behalf of the defense. The trial Court examined the evidence on record and held that the prosecution had proved the charges beyond any reasonable doubt and did not make any finding regarding the offence under Section 279 of the Indian Penal Code (IPC), 1860, while holding the accused guilty of the other offences and imposing the sentence as stated above. The petitioner filed Criminal Appeal No. 9 of 2022, and the appellate Court, after reappraising the evidence, confirmed the conviction and punishment imposed by the trial Court. The appellate Court also held that, considering the punishment awarded for the offence under Section 304(A) of IPC, separate punishment for the offence under Section 279 of IPC was unnecessary. Aggrieved by this, the present revision petition has been filed.

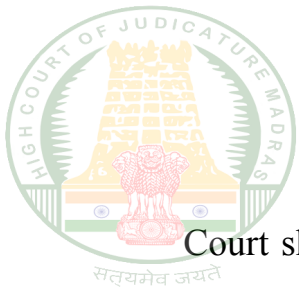
8. Heard *Mr.S.N.Arunkumar*, the learned counsel appearing on behalf of



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the petitioner. He would submit that the manner in which the barricades were placed and the unscientific method in which the speed breaker was made are categorically mentioned by the Motor Vehicle Inspector himself in his evidence. The terrain was steep, and the road conditions were unscientific; this was the reason the petitioner/accused lost control of the vehicle. Therefore, no negligence whatsoever can be imputed to the accused. Most of the witnesses only described the manner in which the accident took place, and none of them specifically pointed out rashness or negligence on the part of the accused. More specifically, no clear account was given as to how the accused drove the vehicle in a rash and negligent manner. It was an unfortunate incident that happened only because of the location and the steep entry into the bus shelter; therefore, the trial Court as well as the lower appellate court ought to have acquitted the accused. The learned counsel would alternatively submit that, in any event, the punishment is unduly harsh on the petitioner. He also pointed out some contradictions between the versions of the injured witnesses and submitted that the same would throw doubt on the prosecution's case.

9. Per contra, *Mr.J.Subbaih* , the learned Government Advocate (Criminal Side) appearing for the respondent, would submit that this is a case where the



Court should invoke the principle of *res ipsa loquitur*, as the persons standing

and sitting in the bus shelter were killed by the rash and negligent driving of the petitioner. The presence of the double barricade as well as the speed breaker would only further strengthen the case of the prosecution that, despite these, the accused drove the vehicle at very high speed, in a rash and negligent manner, and caused the accident. The trial Court and the lower appellate Court have correctly appreciated the evidence and rendered findings, which do not call for interference by this Court.

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

11. There is overwhelming evidence on record regarding how the accident occurred. The rough sketch clearly shows the presence of the double barricade and the speed breaker. While there is some validity to the argument that the placement of the barricade and speed breaker might have contributed to the accident, it is very evident that, unless the vehicle was driven at extreme speed and in a rash and negligent manner, such loss of control could not have happened. The sketch also shows the distance between the barricade and the bus shelter, which is located well beyond the edge of the road. All victims



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were either seated or standing inside the bus shelter and were ultimately killed due to the rash and negligent driving of the petitioner. These facts allow the Court to invoke the principle of *res ipsa loquitur*, as the manner of the accident itself indicates recklessness and negligence on the part of the petitioner.

12. For all the above reasons, I am not in a position to accept the contention of the learned counsel appearing for the petitioner, and I uphold the finding of guilt by the trial Court as well as the lower appellate Court, which have considered the overwhelming evidence on record. I have also pointed out the depositions made by the various witnesses examined supra. However, with regard to the sentence, it is clear that in the morning, the accused drove the vehicle at a very high speed, in a rash and negligent manner, resulting in the death of two persons and injuries to others present in the bus shelter. The sentence should reflect the seriousness of the offence to help the accused understand the gravity of the crime committed and to promote good conduct. It should also convey the right message to society and should neither be unduly harsh nor unduly lenient.

13. The argument relating to the placement of the barricade can be



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taken into account with reference to the quantum of sentence. The accused is now aged 39 years and has not been involved in any other crime either before or after this incident, which is also taken into account. Considering the overall facts and circumstances, where two persons sitting in the bus shelter died and four persons were injured of which, two of them grievously, this Court is of the view that the sentence of imprisonment alone can be reduced to three months and the sentences can run concurrently.

14. Accordingly, this criminal revision is partly allowed on the following terms:

- (A) The conviction of the appellant for the offences under Sections 337 (4 counts), 338 and 304(A) (2 counts) by the judgment of the trial court in C.C.No.160 of 2018 dated 17.06.2022 and the appellate Court in C.A.No.9 of 2022 dated 14.09.2022 shall stand confirmed;
- (B) The fine amounts as imposed shall also stand confirmed and the fact that the fine amounts are paid is recorded;
- (C) As far as the sentence of imprisonment imposed in respect of the offence under Section 304A (2 counts) is concerned, it is reduced to simple imprisonment for three months each, and the sentences shall run concurrently.



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Neutral Citation: Yes/No
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To

1. The Inspector of Police,
Keelapalur Police Station,
Ariyalur District.
2. The Judicial Magistrate Court-II,
Ariyalur.
3. The Principal District and Session Judge,
Ariyalur.
4. The Public Prosecutor,
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY, J.

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Crl.R.C.No.1687 of 2022

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