



Crl.R.C.No.33 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 14.08.2025

CORAM:

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

**Crl.R.C.No.33 of 2025**

P.Kalyanasundaram

... Petitioner

Vs.

State rep. by its  
Inspector of Police,  
Puthur Police Station,  
Puthur, Cuddalore District.  
Crime No.64 of 2015.

... Respondent

**PRAYER:** Criminal Revision Case has been filed under Section 438 & 442 of BNSS, to call for the records in respect of the judgment made in Crl.A.No.04 of 2024 dated 20.08.2024 on the file of the II Additional District and Sessions Judge at Chidambaram in S.T.C.No. 331/2015 on the file of District Munsif Cum Judicial Magistrate, Kattumannarkoil dated 29.12.2023 and allow the Criminal Revision Petition.

For Petitioner : Mr.B.Ramprabu

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



**ORDER**

**WEB COPY** This revision is filed against the judgment of the II Additional District and Sessions Judge, Chidambaram, dated 20.08.2024 in Criminal Appeal No.04 of 2024. The appellate Court confirmed the conviction and sentence imposed by the trial Court. The learned District Munsif-cum-Judicial Magistrate, Kattumannarkoil, by judgment dated 29.12.2023 in S.T.C. No. 331 of 2015, found the petitioner/accused guilty of an offence under Section 279 of Indian Penal Code (IPC) and imposed a punishment of three months' rigorous imprisonment; of an offence punishable under Section 337 of IPC and imposed a punishment of three months' rigorous imprisonment; and for an offence under Section 338 of IPC, imposed three months' rigorous imprisonment and directed the accused to pay a sum of Rs.3,000 as compensation to P.W.2 and Rs. 2,000 to P.W.3.

2. The case of the prosecution is that on 28.08.2015, P.W.1 was standing at the bus stop to send her daughter to school at about 8:00 AM, and apart from her daughter Poonguzhali, another five school children were also standing there. While so, the accused drove the bus bearing registration number TN 32 N 2530, Route No. 39 (Kattumannarkudi to Sethiyathoppu), at high speed, without sounding the horn and caused injuries to the school



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children P.W.2 and P.W.3. P.W.2 suffered a grievous injury on the head, and P.W.3 suffered an injury to her leg. Both of them were taken to the Government Hospital. Upon receipt of the complaint to the above effect from P.W.1, a case was registered in Crime No. 64 of 2015 for the offences under Sections 279 and 337 of Indian Penal Code and was taken up for investigation. The offence was later altered to Section 338 of IPC, and P.W.9 completed the investigation and laid a final report proposing the accused guilty of the above charges. The case was taken on file as S.T.C. No. 331 of 2015. The accused was summoned and copies were furnished. Upon questioning, the accused denied the allegations and stood trial.

3. In order to bring home the charges, P.W.1 to P.W.9 were examined and Exs.P1 to P7 were marked. Upon being questioned about the incriminating evidence on record under Section 313 of the Code of Criminal Procedure, the accused denied the same as false. No evidence was adduced on behalf of the defence. The trial Court considered the case of the parties and held that the prosecution had proved the offences beyond reasonable doubt and accordingly convicted the petitioner and sentenced him as stated above. Aggrieved, the petitioner filed Criminal Appeal No. 04 of 2024, and the appellate Court, after reappreciating the evidence on record, confirmed the conviction and



punishment imposed on the petitioner. Aggrieved by the same, the present revision is filed.

4. *Mr.B.Ramprabu*, the learned counsel appearing for the petitioner, would submit that even as per the narration of the prosecution witnesses, it can be seen that a lorry came in between and only because the bus had to swerve to its extreme left towards the margin of the road while overtaking the lorry, the body of the bus brushed against the two children who were standing, leading to the injuries. In view thereof, it cannot be said that the bus was driven in a rash and negligent manner and the accident primarily happened due to the manner of driving by the lorry driver, which was not investigated properly by P.W.7 in this matter.

5. In any event, learned counsel would submit that one of the children suffered only simple injuries on the leg. The other was treated as grievous only because of the injury on the head. The children are fine now and due proceedings for compensation were also initiated by them. Apart from this, the compensation amount directed by the trial Court has already been paid by the petitioner. For all the above reasons, he would also make an alternative submission regarding the sentence.



WEB COPY 6. Per contra, *Mr.J.Subbiah*, the learned Government Advocate (Crl.

Side) appearing for the respondent would submit that by examining the eyewitnesses and other witnesses, the prosecution has proved the charges beyond reasonable doubt. The trial Court and lower appellate Court properly appreciated the evidence and convicted the petitioner and the same does not require any interference by this Court in the exercise of its revisional jurisdiction.

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

8. P.W.1, who was an eyewitness to the incident, has categorically spoken about it and the injured children were also examined as P.W.2 and P.W.3. P.W.4 and P.W.5 are also eyewitnesses to the incident. The wound certificate was properly marked through P.W.8 doctor and the Motor Vehicle Inspector was also examined as P.W.7. I am unable to accept the submissions made by the learned counsel for the petitioner that there is any doubt in the case of the prosecution. No exception whatsoever can be taken to the finding of guilt recorded by both the trial Court and the lower appellate Court.



WEB COPY 9. However, with reference to the question of sentence, this Court takes into account the manner of the accident. It can be seen that a lorry also came, and the accident happened while overtaking the lorry. The nature of the injuries and the manner in which the accident happened are also taken into account. The fact that the petitioner is a driver of the Transport Corporation bus and is presently aged 49 years is also considered. It is also noted that the petitioner has not been involved in any other offence either prior to or subsequent to this occurrence. The compensation amount directed by the trial Court has also been deposited by the petitioner.

10. When this Court enquired about further enhancement of compensation to be given to the victim children, since only a sum of Rs. 3,000 and Rs. 2,000 was ordered by the trial Court, the learned counsel appearing on behalf of the petitioner, undertook to deposit another sum of Rs.7,000 and Rs. 8,000 so as to make it Rs.10,000 each to both the children.

11. For all the above reasons, considering the nature of the accident, I am of the view that this is a fit case to enlarge the petitioner under the provisions of the Probation of Offenders Act, and this conviction will not carry



any stigma whatsoever since the petitioner is released on probation.

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12. In view thereof, this criminal revision is *partly allowed* on the following terms:-

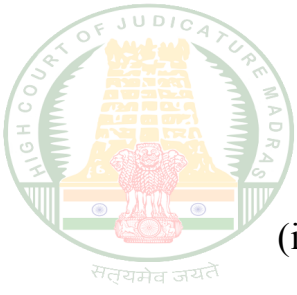
(i) The conviction of the petitioner for the offences under Sections 279, 337 and 338 of IPC by the judgment of the trial Court dated 29.12.2023 in S.T.C.No. 331 of 2015, as confirmed by the judgment of the appellate Court dated 20.08.2024 in Crl.A.No. 04 of 2024 shall stand confirmed.

(ii) However, instead of sentencing the petitioner, he is ordered to be released on probation on the following terms:

(a) The petitioner shall file an affidavit before the trial Court undertaking good conduct for a period of one year.

(b) The petitioner shall also appear before the jurisdictional Probationary Officer once in 6 months.

(iii) Within four weeks from the date of receipt of the web copy of this order, the petitioner shall deposit another sum of Rs.15,000 to the credit of S.T.C. No. 331 of 2015.



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(iv) Upon such deposit, a sum of Rs.7,000 shall be paid to the injured child P.W.2 and Rs.8,000/- shall be paid to the injured child P.W.3 through their guardian by issuing a cheque.

(v) The respondent police shall inform the injured children or their guardian and upon filing of their application and verification of identity, the Court shall expeditiously release the amount of compensation.

14.08.2025

Neutral Citation: Yes/No  
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To

1. The Inspector of Police,  
Puthur Police Station,  
Puthur, Cuddalore District.
2. The II Additional District and Sessions Judge,  
Chidambaram.
3. The District Munsif Cum Judicial Magistrate,  
Kattumannarkoil.
4. The Public Prosecutor,  
High Court of Madras.

**D.BHARATHA CHAKRAVARTHY, J.**



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