



WEB COPY



Crl.R.C.No.1781 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.No.1781 of 2024

Balaji

.. **Petitioner**

Vs.

State Rep.by
Inspector of Police
Palaiyur Police Station
Cr.No.43/2018

.. **Respondent**

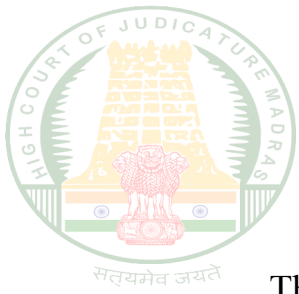
Prayer: Criminal Revision Case filed under Section 438 r/w 442 of BNSS., to call for the records and set aside the order passed by the District Judge, Mayiladuthurai in Crl.A.No.24 of 2023 dated 01.07.2024 confirming the order of the Judicial Magistrate No.2, Mayiladuthurai in C.C.No.149 of 2018 dated 20.11.2023 and allow the Criminal Revision Case.

For the Petitioner : Mr.Sivakumar
for M/s K.M.Vijayan Associates

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

ORDER

Page 1 of 8



Crl.R.C.No.1781 of 2024

WEB COPY

This Criminal Revision Case is filed against the Judgment of the learned District Judge, Mayiladuthurai, dated 01.07.2024 made in Crl.A.No.24 of 2023. By the said Judgment, the conviction and sentence imposed on the petitioner by the learned Judicial Magistrate No.2, Mayiladuthurai, in C.C.No.149 of 2018 dated 20.11.2023 was confirmed and the petitioner was found guilty of an offense punishable under Section 304 - A of IPC, sentenced to undergo one year simple imprisonment and to pay the fine of Rs.1,000/- ; in default, to undergo one month simple imprisonment.

2. The case of the prosecution is that on 05.03.2018 at about 13.00 hours, when the deceased – *Anjalai ammal*, after finishing her fish vending work was trying to cross the road – Kumbakonam to Karaikal road, the accused drove his motor bike bearing Registration No.TN 21 A 8787 in a rash and negligent manner and dashed against the deceased. Due to which, she suffered injuries. Immediately, she was hospitalized and after taking treatment for six days, succumbed to injuries.

3. Initially a case was registered under Section 279 and 337 of IPC in



CrI.R.C.No.1781 of 2024

WEB COPY

Crime No.43 of 2018 and after the death of the victim, the First Information Report was altered to one under Section 304 – A of IPC. P.W.9 – *Nagalakshmi* took up the case for investigation and completed the investigation, filed the final report, proposing the accused guilty of the offense under Section 304 – A of IPC.

4. The case was taken on file as C.C.No.149 of 2018 and summons was issued to the accused. Upon appearance and furnishing the copies, the accused denied the charges and stood trial. In order to bring home the charges, the prosecution examined P.Ws.1 to 10 and marked the documents in Exs.P1 to P9.

5. Upon being questioned under Section 313 of Cr.P.C., about the incriminating evidence on record, the accused denied the same as false. Subsequently, no evidence was let in on behalf of the defense.

6. The Trial Court considered the case of the parties and convicted the petitioner for the aforementioned offenses and sentenced as above. The accused filed an appeal and the Appellate Court after re-appreciation of the evidence confirmed the conviction and sentence.



Crl.R.C.No.1781 of 2024

WEB COPY

7. *Mr.Sivakumar*, the learned counsel appearing for the petitioner would submit that firstly in this case, the victim had underwent six days treatment after the accident and the Doctor who conducted the postmortem was not examined. The accident had happened in the middle of the road and it can be seen that it had happened only on account of the negligent act of the deceased and not on the part of the petitioner. The deceased was aged about 80 years, at the time of occurrence.

8. *Per contra*, the learned Government Advocate (Crl.Side) would submit that the prosecution has duly proved the charges beyond any reasonable doubt, as such the deceased was crossing the road only on the zebra crossing.

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

10. It is true that the Doctor, who conducted the postmortem on the deceased was not examined in this case. However, it could be seen that the

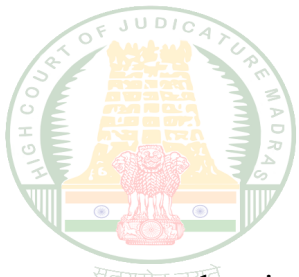


Crl.R.C.No.1781 of 2024

WEB COPY

deceased was 80 years of age and after the accident, she succumbed to the injuries. Since it was pleaded on behalf of the prosecution that there was a zebra crossing, the contention that the accident occurred in the middle of the road cannot be accepted. In any event, no clinching argument is placed before this Court, to exercise the revisionary jurisdiction, when both the Courts below have concluded that the prosecution has proved the offense beyond reasonable doubt. However, with reference to the question of sentence, when this Court enquired, it was represented on behalf of the learned Government Advocate (Crl.Side) that the vehicle involved in the accident, did not have any valid insurance and no claim petition has been filed on behalf of the dependents of the deceased. Therefore, no compensation was paid to the dependents.

11. In reply thereof, the learned counsel for the petitioner would submit that the petitioner is ready and willing to pay a sum of Rs.1 Lakh as compensation to the daughter of the victim – P.W.2 -*Amirthavalli*. It is also to be seen that the accused was aged 27 years as on the date of accident and he had underwent incarceration for a period of 10 days. The manner of accident is also



Crl.R.C.No.1781 of 2024

taken into account.

WEB COPY

12. For all the above reasons, this Criminal Revision Case is partly allowed, on the following terms,

(i) The conviction on the petitioner for the offence under Section 304 – A of IPC stands confirmed; The fine amount imposed by the Trial Court is confirmed and the fact that it has already been paid is recorded;

(ii) Over and above the same, the petitioner shall pay a sum of Rs.1 Lakh to P.W.2 – *Amirthavalli*, by drawing a DD in favour of P.W.2 and hand over the same to her. A memo in respect thereof shall be filed, before the Trial Court within a period of four weeks from the date of receipt of the website uploaded copy of this order;

(iii) The sentence of imprisonment is modified as one of period already undergone.

20.08.2025

Neutral Citation : Yes/No

Jer

Page 6 of 8



Crl.R.C.No.1781 of 2024

To

WEB COPY

1. The District Judge, Mayiladuthurai.
2. The Judicial Magistrate No.2, Mayiladuthurai.
3. The Inspector of Police
Palaiyur Police Station
Mayiladuthurai District.
4. The Public Prosecutor
High Court of Madras.



WEB COPY



Crl.R.C.No.1781 of 2024

D.BHARATHA CHAKRAVARTHY, J.

Jer

Crl.R.C.No.1781 of 2024

20.08.2025

Page 8 of 8