



Crl.RC.No.2376 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 24.09.2025

CORAM:

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

Crl.RC.No.2376 of 2024

and

Crl.M.P.No.18295 of 2024

Karuppusamy S/o.Palanisamy

...Petitioner

Vs.

State rep.by
Inspector of Police,
Tiruppur South Police Station,
Tiruppur District.
(Crime No.627 of 2016)

...Respondent

Prayer: Criminal Revision Case filed under Section 397 r/w 401 of Code of Criminal Procedure to set aside the judgment of the learned Principal Sessions Judge, Tiruppur, in C.A.No.41 of 2023 dated 04.08.2023 modifying the conviction and sentence passed by the learned Judicial Magistrate No.II, Tiruppur in C.C.No.407 of 2016 dated 21.03.2022 and allow this Criminal Revision case.

For Petitioner : M/s.S.Valarmathi

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

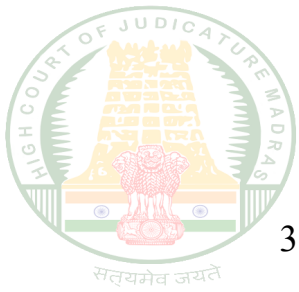


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ORDER

WEB COPY This criminal revision is filed against the judgement of the learned Principal Sessions Judge, Tiruppur made in CA.No. 41 of 2022 dated 04.08.2023. By the said judgment, the appeal was allowed in part while confirming the conviction under Section 279, 304(A) of Indian Penal Code. The sentence imposed by the trial court was modified. Originally, the trial Court, namely, the Judicial Magistrate No.II, Tiruppur, by judgement dated 21.03.2022 in C.C.No.407 of 2016, found the petitioner guilty of the offence under Section 304(A) of IPC and imposed sentence to undergo imprisonment simple imprisonment for a period of one year and for the offence under section 279 of IPC, imposed a fine of Rs.1,000/-, in default to pay fine amount further to undergo one month Simple Imprisonment. The appellate Court modified the sentence and reduce the period of imprisonment from one year to six months. As against this, the appeal is filed.

2. The case of the prosecution is that the auto which was driven by the accused, caught capsized and the person who died was a passenger. It can be seen that the petitioner also got injured in the said accident. The manner in which the auto toppled, it is stated that in order to control Auto, when the accused applied sudden break, it capsized. Initially, the victim sustained injuries.



3. Even though the learned counsel for the petitioner started to argue on merits, after this Court questioned about the reasonable care that is to be exercised by the petitioner as a driver, argued with reference to the sentence.

4. Considering the nature of accident, it is not gruesome in nature and occurred out of human error in not able to balance the auto rickshaw and the weight that was in the auto rickshaw, this Court called for the Probationary Officer's report. Today, learned Additional Public Prosecutor circulated the Probationary Officer's report dated 01.09.2024. From the said report, it can be seen that there is no other previous or subsequent case against the accused and he has a permanent abode and he has written some remarks and shown good conduct.

5. This Court also took into account the following:

- (i) The accused was aged 35 years as on date of commission of offence,
- (ii) The accused is facing the proceedings from the year 2016,
- (iii) There is no other previous or subsequent case against the accused,
- (iv) The manner of accident is also taken into account.



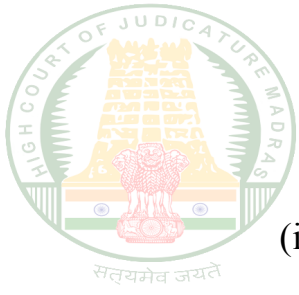
WEB COPY6. Considering the Probationary Officer's report and also considering the above factors, the criminal revision is partly allowed on the following terms:

(i) The conviction of the petitioner/accused, for the offences under Section 304(A) and 279 of Indian Penal Code made by the trial court by judgment dated 21.03.2022 in C.C.No.407 of 2016 and confirmed by the lower appellate Court by judgment dated 04.08.2023 in C.A.No.41 of 2023 stands confirmed. However, instead of sentencing the accused, after admonition, the accused is released on probation under the Probation of Offenders Act, 1958, on the following conditions:

(a) The petitioner shall appear before the trial Court and execute a bond of good conduct for a period of one year within a period of one month from the date of receipt of a copy of this order.

(b) It is made clear that as per the provisions of the Act, this conviction will not be a disqualification for his service or any other purpose.

(ii) There shall be no order as to costs.



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(iii) Connected miscellaneous petition is closed.

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Neutral Citation: Yes/No
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To

1. Inspector of Police,
Tiruppur South Police Station,
Tiruppur District.

2. The Principal Sessions Judge, Tiruppur.

3. The Judicial Magistrate No.II, Tiruppur.

4. The Public Prosecutor,
Madras High Court.



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D.BHARATHA CHAKRAVARTHY, J.

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