



Crl.R.C.No. 143 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 13.08.2025

CORAM:

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

Crl.R.C.No. 143 of 2024

Shankar

... Petitioner

Vs.

State represented by:
The Inspector of Police,
N1 Traffic Investigation Wing,
Royapuram Range Police Station,
Chennai – 13.
Crime No. 17 of 2022.

... 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 against the petitioner on 19.10.2023 made in Crl.Appeal No. 274 of 2023 on the file of the XXI Additional Sessions Judge, Chennai by confirming the judgment of the III Metropolitan Magistrate, George Town, Chennai passed in C.C.No. 752 of 2022 on 13.04.2023.

For Petitioner : Mr.S.Senthilvel

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



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ORDER

WEB COPY This Criminal Revision case is filed challenging the judgment of the XXI Additional Sessions Judge, Chennai, dated 19.10.2023, made in Criminal Appeal No. 274 of 2023.

2. By the said judgment, the learned Appellate Court confirmed the conviction and punishment imposed on the petitioner by the trial Court (III Metropolitan Magistrate, George Town, Chennai). By judgment dated 13.04.2023 in C.C. No. 752 of 2022, the trial Court found the accused guilty of an offence under Section 279 of the Indian Penal Code and ordered him to pay a fine of Rs.1,000/-; found him guilty of an offence under Section 338 of the Indian Penal Code and ordered him to pay a fine of Rs.1,000/-; found him guilty of an offence under Section 304(A) of the Indian Penal Code and sentenced him to undergo six months simple imprisonment and to pay a fine of Rs.2,000/-; and for an offence under Section 3 read with Section 181 of the Motor Vehicles Act, imposed a fine of Rs.5,000/-.

3. The case of the prosecution is that, on 11.03.2022, at about 19:45 hours, near the Coast Guard office, S.N. Chetty Road, Kasimedu, Chennai, the accused rode his motorcycle bearing registration number TN10BC6358



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without a valid licence, in a rash and negligent manner and dashed against two pedestrians. One of the pedestrians sustained injuries on the head and later succumbed to those injuries and the other pedestrian sustained grievous injuries to both his legs. Accordingly, a case was registered in Crime No. 17 of 2022. P.W.8 took up the case for investigation and laid a final report proposing the accused guilty of the offences. The case was taken on file and summons were issued. Upon furnishing of copies and questioning, the accused denied the allegations at trial. The prosecution examined P.W.1 to P.W.8 and also marked Ex.P1 to P14. Upon being questioned about the material evidence and incriminating circumstances on record, the accused denied the same as false. Thereafter, no evidence was let in on behalf of the defence. The trial Court considered the evidence on record and found the accused guilty of the offences and sentenced him as above. The appellate Court also confirmed the same, aggrieved by which the present petition is filed.

4. After starting the arguments on merits, the learned counsel appearing for the petitioner straightaway pleaded for leniency in punishment. The learned counsel for the petitioner submitted that the petitioner was only riding a two-wheeler and that it is common knowledge that the lighting is dim in the said S.N. Chetty Road, Kasimedu. The petitioner is only working as a drummer in a



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group that attends funerals. He is a law-abiding citizen and is not involved in any other criminal case. The petitioner was aged 19 years at the time of the accident and is now aged 21 years. The petitioner had deposited Rs.2,00,000/- as compensation to the victims. He is still working as a drummer and is eking out his livelihood

5. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the prosecution had proved the offences beyond doubt, and the petitioner was not even possessing a licence. With reference to the queries by this Court, the avocation of the petitioner and the fact that there was neither any previous case nor any subsequent case is also confirmed. The fact that the petitioner has deposited a sum of Rs.2,00,000/- is also confirmed. The learned counsel for the petitioner has no objection to disbursing the amount to the victims, and this amount will not be taken into account for the purpose of any other proceedings.

6. Considering the tender age of the accused, the fact that he has shown remorse by duly depositing the compensation amount, that he is a law-abiding person, and that he is not involved in any other criminal case prior to or after the accident and considering the overall nature of the accident and the place of



the accident, I am of the view that in this case the accused can be considered for release under the provisions of the Probation of Offenders Act, 1958

7. In view thereof, this criminal revision No. 143 of 2024 is ***disposed of***.

The finding of the trial Court and the appellate Court that the accused is guilty of the offences under Section 279, 338 and 304(A) of Indian Penal Code, 1860 and Section 3 read with 181 of Motor Vehicle Act, 1988 shall stand confirmed. However, without proceeding to sentence the accused, he is released under the provisions of the Probation of Offenders Act, 1958 on the following conditions:

(i) The no-objection submitted by the accused for disbursing the amount of Rs.2,00,000/- deposited by him in C.C. 752 of 2022 is recorded.

(ii) The said sum of Rs.2,00,000/- shall be recalled by the trial Court, of which a sum of Rs.1,25,000/- along with the proportionate accrued interest shall be paid to the family members of the deceased. The sum of Rs.75,000/- along with accrued interest shall be paid to the other injured witness in this case.

(iii) The respondent police shall intimate the family members as well as the injured victim about this order, and upon their presence before the Court and filing of a formal application and verification of their identity, the amount



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shall be disbursed to them without any further delay.

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(v) The petitioner shall file an affidavit of good conduct for a further period of 2 years before the trial Court.

(vi) The petitioner shall also appear before the jurisdictional Probationary Officer once in six months for the said period of 2 years.

13.08.2025

Neutral Citation: No
nsl

To

1. The Inspector of Police,
N1 Traffic Investigation Wing,
Royapuram Range Police Station,
Chennai – 13.
2. The XXI Additional Sessions Judge, Chennai.
3. The III Metropolitan Magistrate, George Town, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY, J.

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