



Crl.RC.No.2324 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2025

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THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.RC.No.2324 of 2024

Ram Kumar

...Petitioner

Vs.

State Represented by Inspector of Police,
M4, Thudiyalur Police Station,
Coimbatore.

...Respondent

This Criminal Revision is filed under Section 438 r/w. 442 of Bharathiya Nagarik Suraksha Sanhita, 2023 to call for the records pertaining to order of conviction passed in set aside the judgment of passed in Crl.A.No.105 of 2023 (on the 1st Additional District and Sessions Court at Coimbatore) dated 25.03.2024, and confirming the order passed in C.C.No.255 of 2016, on the file of Judicial Magistrate Court No.I at Coimbatore District) dated 28.02.2023.

For Petitioner : M/s.A.Pavithra Priyadarshini

For Respondent : Mr.J.Subbiah, GA (Crl. Side)

ORDER

Challenging the judgement of the I Additional District and Sessions Judge, Coimbatore 25.03.2024 made in Criminal Appeal No.105 of 2023. By the said judgement, the appeal filed by the petitioner was



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dismissed confirming the conviction and sentence imposed by the trial

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Court - The Judicial Magistrate No.I, Coimbatore had by a judgment dated 28.02.2023 made in CC.No.255 of 2016 found the appellant guilty of the offence punishable under Section 279 of IPC and imposed a fine of Rs.1000/- and for offence under Section 304A of IPC and to undergo one year simple imprisonment and to pay a fine of Rs.2000/-, in default to undergo one month simple imprisonment.

2. The case of the prosecution is that on 18.10.2015 at about 8.00 pm, the accused drove the car being Innova bearing Registration No.TN 38 BC 8518 from east to west in a rash and negligent manner and dashed against the two wheeler in which the deceased was travelling and caused injuries to him. On account of which, he died. On the strength of the said allegations, a case in Crime No.517 of 2015 was registered. P.W.12 took up the matter for investigation, laid a final report proposing the petitioner guilty of the offences. Upon the case being taken on file and summons being issued and questioning, the accused denied the charges and stood trial. In order to bring home the charges PW.1 to P.W.12 were examined and exhibits P.1 to P.8 were marked on behalf of the prosecution.



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3. Upon being questioned about the incriminating evidence on record under Section 313 of the Code of Criminal Procedure, the accused denied the same. Thereafter, no evidence was let in on behalf of the defence.

4. The trial Court considered the case of the prosecution and that of the accused and convicted the petitioner and imposed the sentence as aforesaid. The Appellate Court dismissed the appeal after re-appreciation of evidence.

5. M/s.A.Pavithra Priyadharshini, the learned counsel appearing on behalf of the petitioner would submit that in this case the prosecution had not proved the culpable rashness and negligence on the part of the petitioner beyond any reasonable doubt. However, upon pointing out the findings of the trial Court and the Appellate Court regarding the appreciation of the evidence on record, the learned counsel alternatively argued on the question of sentence.

6. In this case, already the dependent of the deceased family had received compensation from the tribunal. The petitioner was in custody



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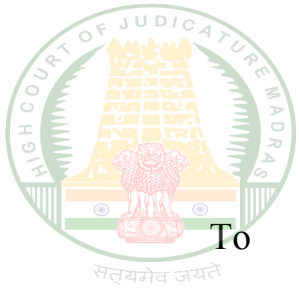
for a period of 37 days. I'm of the view that considering the nature of accident, background of the parties, the sentence of imprisonment alone can be modified as one of period already undergone.

7. Accordingly, this Criminal Revision is partly allowed. The finding of guilt in respect of the offences under section 279 and 304(A) of Indian Penal Code by the judgement of trial court dated 28.02.2023 in CC.No.255 of 2016 and the appellate Court dated 25.03.2024 in C.A.No.105 of 2023 shall stand confirmed. However, the fine amounts as imposed by the Courts below is also confirmed and the fact that it is paid is also recorded. As far as sentence of imprisonment is concerned, the same is modified into one as period already undergone.

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RAP

NCC : Yes / No



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To

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1. The 1st Additional District and Sessions Court at Coimbatore
2. The Judicial Magistrate Court No.I at Coimbatore District
3. The Inspector of Police,
M4, Thudiyalur Police Station,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.

D.BHARATHA CHAKRAVARTHY.J.,



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RAP

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