



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.09.2025

CORAM:

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

Crl.R.C.No.2019 of 2024

Prathap

Petitioner

Vs.

The State rep by
The Inspector of Police,
East Traffic Investigation Wing,
Coimbatore.
(Crime No.354 of 2015)

... Respondent

For Petitioner	:	Mr.M.V.Prakash Senior Counsel.
For Respondent	:	Mr.V.J.Priyadarsana, Government Advocate (Crl.side)

ORDER

This Criminal Original Petition is filed challenging the judgement of the learned IV Additional District and Session Judge, Coimbatore dated 16.10.2024 made in Crl.A.No.70 of 2022. By the said judgement, the appellate Court confirmed the conviction and sentence imposed on the petitioner by the trial Court.



2. The learned Judicial Magistrate No.8, Coimbatore, vide judgment dated 15.07.2022 in C.C.No.90 of 2016, found the petitioner guilty of an offence under Section 279 of IPC and sentenced him to undergo six months simple imprisonment and to pay a fine of Rs.1,000/-, and in default, to undergo two weeks simple imprisonment and for an offence punishable under Section 304(A) of IPC, sentenced the accused to undergo two years simple imprisonment and to pay a fine of Rs.5,000/- and in default, to undergo two weeks simple imprisonment

3. The case of the prosecution is that on 04.05.2019, at about 7.00 p.m., while the deceased was riding his two wheeler, the accused, who came in the opposite direction in a rash and negligent manner, dashed against the deceased and caused an accident, in which, the victim died and as such, a case was registered in Crime No.354 of 2015 on the file of the respondent police, has taken up the investigation and a final report has been filed.

4. Upon issue of summons and appearance of the accused and questioning, the accused denied the allegations stood trial. In order to bring home the charges, the prosecution examined PW1 to PW6 and marked Exs.P1 to P10. Upon questioning with regard to mitigating circumstances and incriminating evidence, the accused denied the same. Thereafter, no evidence



was recorded on behalf of defence, The trial Court, on consideration of the testimonies of the prosecution witnesses, found the accused guilty and sentenced him as above. The appellate Court also confirmed the conviction and sentences imposed against the accused, against which, the present revision petition is filed.

5. Mr.V.Prakash, learned Senior Counsel for the petitioner started arguments on merits. However, upon questioning by this Court, the learned Senior Counsel argued with reference to the sentence.

6. It is seen that the accident had happened on account of dashing of the vehicle that came from the opposite direction, which is certainly a human error of not ganging the speed at which the opposite vehicle was travelling, resulting in a miscalculation. The accused had not exercised the amount of reasonable safety and care in order to avoid the accident and only on that ground, the accused was found guilty. The fact that the deceased also contributed to the accident cannot be ruled out.

7. Under the said circumstances, there are no bad antecedents in respect of the accused and the accused is facing the case from the year 2015 till 2025.

Considering the fact that he is a driver and has to support his family, I am of



the view that this is an ex ordinary case, wherein the accused shall be granted the benefit of release under the Probation of Offenders Act, 1958. Under the said circumstances, the Court also questioned whether the accused is willing to pay any further compensation to the defacto complainant's family, for which the accused had accepted to pay a sum of Rs.50,000/- as compensation.

8. Considering the fact that the accused is a Driver, the above said sum is approved by this Court and considering all the above, while upholding the finding of guilt by the trial Court, and the appellate Court, without proceeding to sentence the accused, he is released under Section 4 r/w Section 12 of Probation Offender Act, 1958. The probationary officers report in this regard is also received, which would also show the good conduct of the accused.

9. Hence, this Criminal Revision Petition is partly allowed on the following terms.

(i). The conviction of the accused for the offence punishable under Sections 379 and 304A by the judgement dated 15.07.2022 made in C.C.No.90 of 2016 passed by the learned Judicial Magistrate No.8, Coimbatore and the judgement dated 16.10.2024 made in CrI.A.No.70 of 2022 passed by the



learned IV Additional District @ Sessions Judge, Coimbatore shall stand confirmed. However, without proceeding the sentence, after admonishing, and the accused is released on probation subject to the following conditions.

(ii) The accused shall pay a sum of Rs.50,000/- by way of a demand draft to PW5 directly and shall produce the copies therefore before the trial Court;

(iii) The petitioner accused shall execute a bond undertaking good conduct for a period of one year and maintain the undertaking, failing which to appear before the trial Court to take the sentence.

(iv) The compensation be paid and the bond be executed within a period of twelve weeks from the date of receipt of a copy of the order.

10.09.2025

kmm

To

The Inspector of Police,
East Traffic Investigation Wing,
Coimbatore.



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D.BHARATHA CHAKRAVARTHY, J.

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Cr1.R.C.No.2019 of 2024

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D.BHARATHA CHAKRAVARTHY.J.,

Today, this matter has been listed under the caption ‘for being mentioned’.

2. In the original order dated 10.09.2025, appearance for the petitioner and for the respondents has been wrongly typed. It is also brought to the notice of the Court that the prayer portion has not been typed. Hence the registry is directed to incorporate the following correct appearance, include the prayer and issue fresh certified copy within a period of one week:

“Prayer: *Criminal Revision Case filed under Sections 438 & 442 of the BNSS, 2023 to call for the records relating to the Judgment dated 16.10.2024 passed by the learned IV Additional District & Sessions Court at Coimbatore in Crl.A.No.70 of 2022 confirming the judgment and sentence dated 15.07.2022 passed in C.C.No.90 of 2016 on the file of the learned Judicial Magistrate No.8, Coimbatore and set aside the same, thereby acquit the appellant herein and pass such further or other orders.*

*For Petitioner : Mr.V.Prakash
Senior Counsel for Mrs.M.Karthikeyani
For Respondent : Mr.S.Sugendran
Additional Public Prosecutor”*

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