



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-11-2025

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THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL RC No. 2190 of 2024

Mr.Anandha Babu

..Petitioner(s)

Vs

The State Represented By
Inspector Of Police, M-4, Thudiyalur Police Station,
Coimbatore. Crime No.379/2016

..Respondent(s)

Prayer: Criminal Revision Petition filed under Section 438 read with 442 of the Bharatiya Nagarik Suraksha Sanhita to set aside the Judgment of dismissal passed in C.A.No.72 of 2023 dated 20.09.2024 by the Learned IV Additional District and Sessions Judge, Coimbatore and thereby confirming the Judgment of Conviction passed in C.C.No.810 of 2016 by the Learned Judicial Magistrate No.I, Coimbatore dated 23.02.2023.

For Petitioner(s): Mr.V.Sivakumar

For Respondent(s): Mr.S.Vinoth Kumar
Government Advocate (Crl.side)

ORDER

This Criminal Revision is filed against the judgment of the learned Judicial Magistrate No.1, Coimbatore dated 23.02.2023 made in C.C.No.810 of 2016 and the judgment of the learned IV Additional District and Sessions Judge, Coimbatore dated 20.09.2024 made in C.A.No.72 of 2023.



2. By the said Judgment the trial court found the petitioner guilty of an offence under Section 279 of Indian Penal Code and imposed a fine of Rs.1,000/- and in default of payment of fine to undergo one week simple imprisonment; for an offence under Section 337 of Indian Penal Code and to pay a fine of Rs.500/- and in default of payment of fine to undergo one week simple imprisonment; and for an offence under Section 304(A) of Indian Penal Code and to undergo one year simple imprisonment and to pay a fine of Rs.2000/- and in default of payment of fine to undergo one month simple imprisonment.

3. The case of the prosecution is that on 27.04.2016, when PW10 Karuppusamy, Sub-Inspector of Police was on duty at Thudialur Police Station, he received information from the Coimbatore Government Hospital and he went there and PW1/injured witness Muthukrishnan gave a statement to the effect that, on 27.04.2016, in a two-wheeler bearing registration number TN 38 BS 7849 (Pulsar motorcycle) the deceased Paulpandi was riding the vehicle and he was the pillion rider and when they were returning from KNG Pudur to their house in Kanuvai to Coimbatore road from north to south at about 01.15 p.m., opposite to Idayarpalayam Gandhi Adigal School, suddenly, the Tata ace vehicle which was parked in the no parking zone on the left hand side, which was driven by its driver/the accused, suddenly came from east to west and



turned towards north without any signal and in a rash and negligent manner hit against the Pulsar motorcycle and they were thrown out.

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4. On account of which, the rider Paulpandi succumbed to the injuries and PW1 after suffering grievous injuries was undergoing treatment as an inpatient. On the strength of the said allegations, a case was registered in Crime No.379 of 2016 for the alleged offences under Sections 279, 337 and 304(A) of Indian Penal Code.

5. PW11, the Inspector of Police thereafter took up the case for investigation and after completion of investigation laid a final report proposing the accused guilty of the aforesaid offences. The case was taken on file as CC.No.810 of 2016. Upon summons being issued and copies being furnished and questioning, the accused denied the allegations and stood trial. In order to bring home the charges, the prosecution examined PW1 to PW11 and marked Ex.P1 to Ex.P10. Upon being questioned about the incriminating circumstances and material evidences on record under Section 313 of the Code of Criminal Procedure, the accused denied the same as false. Thereafter, no evidence was let in on behalf of the defence.

6. The trial Court considered the case of the prosecution and that of the accused and relied upon the eyewitness PW1 and PW2 and the manner in which the accident had taken place and held that the accused, suddenly in a rash and



negligent manner came to the main road from the front space that was available before the Idayarpalayam Gandhi Adigal School without properly watching the road or signaling and thus caused the accident and therefore convicted the accused of the offences and sentenced as aforementioned.

7. Aggrieved thereby, the accused filed a criminal appeal in C.A.No.72 of 2023. The appellate Court re-appreciated the entire evidence and confirmed the sentence passed by the trial court, as against which the present revision is filed.

8. Heard Mr.Sivakumar, the learned counsel appearing on behalf of the petitioner. The learned counsel by taking this Court through the First Information Report, the evidence of PW1 and PW2 and the rough sketch would plead that the finding of the trial Court as well as the appellate Court that the charges were proved is liable to be interfered with as the prosecution has not at all proved the charge as PW1 and PW2 have come up with different versions and the prosecution has not pin pointedly made any effort to make out the manner in which the accident happened.

9. The learned counsel would further submit that the evidence of PW9/the auto-driver, the vehicle which was also involved in the accident confounds the case further and there is absolutely no explanation on behalf of the prosecution. Firstly, with regard to the manner of accident and only if it is



established, the further question as to the rash and negligence would come into play. There is absolutely no iota of evidence with reference to the rash and negligent driving of the accused and therefore this court should interfere in the evidence of the findings of the Courts below.

10. Per contra, Mr.S.Vinoth Kumar, learned Government Advocate (Crl.side) would submit that it is true that the PW2's version is different from the case of the prosecution and he has also admitted that he is a relative of the complainant. To that extent, the version of the PW2 should be discarded by this Court and the relevant witness is PW1, who is the injured witness, who was the pillion rider. He has categorically spoken about the fact that the deceased was riding the vehicle from north to south and the manner in which the accused had suddenly come in the main road from the left handside, without any indication, whatsoever and thus overall, the prosecution has established that the accused has not exercised the reasonable care that is expected of him as a driver and that he suddenly came to the main road with his vehicle and thus the accident had happened and therefore the ultimate conclusion of the trial Court and the lower appellate Court cannot be interfered with.

11. I have considered the rival submissions and perused the material records of the case.



12. Firstly, from the rough sketch, it can be seen that there is an open space available in front of the Gandhi Adigal School in which the vehicle of the accused seems to have been parked. Once the vehicle that is parked comes into the main road, it can be seen that, immediately after the vehicle has started, the accident had happened. Therefore, there is no question of any high speed in this case. The culpable rashness and culpable negligence that can be attributed on the part of the accused is that he has suddenly come into the main road without noticing the vehicles that are passing through the main road from the north to west and without appropriate signaling. If the accused had done so, then the same would also amounts to an offence punishable under Section 304(A) of Indian Penal Code.

13. In this regard, the version of the PW2 who is also said to be an eyewitness contradicts the version of PW1 and the other eyewitness. He states that the vehicle suddenly turned towards the east which cannot be true as the case of the prosecution itself is that the vehicle came from the eastern side to the main road. Therefore, the version of the injured eyewitness/pillion rider/PW1 and the other eyewitness examined by the prosecution PW2 are in contradiction with each other. PW2 was also not treated as hostile and cross examined by the Public Prosecutor.



14. In that background, even for a moment discarding the evidence of PW2 and consider the evidence of PW1 alone, though the PW1's evidence is consistent with the rough sketch that is marked, PW1 evidence also falls short of stating the details with reference to the manner of accident. Whether the collision was head on or in the sense that whether the collision was in the front side of the Tata Ace vehicle or sideways etc., are absolutely not mentioned. The prosecution has not explained the manner of accident at all so as to determine the culpable rashness or culpable negligence on the part of the accused.

15. Therefore, when the evidence of the prosecution is self contradictory and the prosecution has done very little to explain about the manner of accident, in the instant case, I am of the view that, the finding of the trial court as well as the first appellate Court that as if the accused alone is solely responsible for the accident and that he drove the vehicle in rash and negligent manner borders on perversity and as such, it makes out a case for interference in the exercise of Revisional Jurisdiction.

16. Accordingly, this Criminal Revision case stands allowed. The conviction and sentence imposed on the petitioner by the judgment of trial court in C.C.No.810 of 2016 by the learned Judicial Magistrate No.I, Coimbatore dated 23.02.2023 and as confirmed by the appellate Court in C.A.No.72 of 2023



dated 20.09.2024 by learned IV Additional District and Sessions Judge,
Coimbatore shall stand set aside. The fine amount, if any paid, is ordered to be
refunded to the petitioner.

07-11-2025

Neutral Citation: No

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To

1. The Inspector Of Police,
M-4, Thudiyalur Police Station,
Coimbatore.
2. The IV Additional District and Sessions Judge,
Coimbatore.
3. The Judicial Magistrate No.I,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY J.

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