



Crl.R.C.No. 2332 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 02.09.2025

CORAM:

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

Crl.R.C.No. 2332 of 2024

1. Paramasivam
 2. Narayanan
- ... Petitioners

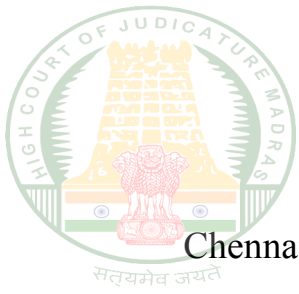
Vs

1. The State,
Rep. By the Inspector of Police,
J-6, Thiruvanmiyur Police Station,
Thiruvanmiyur,
Chennai – 600 041.
- 2 The Tamilnadu Electricity Board,
Now Tamilnadu Generation and Distribution Corporation Limited,
Represented by its Managing Director,
Anna Salai, Chennai – 600 002.

(R2 is suomotu impleaded as per the order dated 18.08.2025
in Crl.R.C.No. 2332 of 2024)

... Respondent

Prayer: Criminal Revision Case filed under Section 397 read with 401 of Cr.P.C., 1973, to set aside the judgment passed in Crl.A.No.208 of 2023 dated 05.12.2024 on the file of the XIX Additional City Civil Court at Chennai in confirming the order of conviction dated 05.04.2023 passed in C.C.No. 2398 of 2018 on the file of the XVIII Metropolitan Magistrate Court at Saidapet,

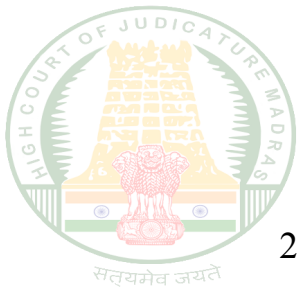


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Chennai and sentencing the petitioners to undergo three months for simple Imprisonment under Section 338 of IPC (2 Counts) & Fine of Rs.3000/- (2 x 3000 = 6000) in default to undergo 30 days for simple Imprisonment and sentenced to undergo 1 year for simple imprisonment under Section 304 (A) of IPC & fine of Rs. 5,000/- in default to undergo imprisonment of 6 months by allowing the present Criminal Revision Petition.

For Petitioners : Mr.R.Jayaprakash
For R1 : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)
ORDER

The revision is filed challenging the judgment of the XIX Additional City Civil Court, Chennai, dated 05.12.2024, made in Criminal Appeal No.208 of 2023. By the said judgment, the conviction and sentence imposed by the trial Court was confirmed. The trial court, the XVIII Metropolitan Magistrate, Saidapet, Chennai, had by judgment dated 05.04.2023 in C.C. No. 2398 of 2018 convicted the petitioners for the offence under Section 338 of Indian Penal Code, 1860, (2 counts) and sentenced them to undergo three months simple imprisonment and to pay a fine of Rs.3000 each, and in default of payment of fine, to undergo 30 days simple imprisonment; for an offence under Section 304(A) of IPC to undergo one year simple imprisonment and to pay a fine of Rs.5000, in default to undergo six months simple imprisonment.



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2. The case of the prosecution is that on 04.07.2017 both the accused, being the employees of the Electricity Board (now TANGEDCO), engaged the deceased, who is a retired employee, to dig the road for carrying out repair works. While so, they, in a rash and negligent manner, did not ensure that the power was switched off and accordingly the deceased, while working, came into contact with a live wire and died on the spot due to electrocution and two other persons were also injured. On the said allegation, a case in Crime No. 2265 of 2017 was registered, and PW14 completed the investigation and laid a final report.

3. Upon the case being taken on file and summoning and questioning, the accused denied the allegations and stood trial. In order to bring home the charges, the prosecution examined P.W.1 to P.W.14 and Exhibits P1 to P14 were also marked. Upon being questioned about the material circumstances and incriminating evidence 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. The trial Court thereafter considered the case of the prosecution and that of the accused and found the accused guilty and sentenced them as above. The appellate Court, after re-appreciation of evidence, confirmed the conviction and sentence.



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WEB COPY 4. The learned counsel appearing for the petitioners, by pointing out the facts, would submit that it can be seen that the petitioners herein are the officials of TANGEDCO, who are supposed to be supervising the work, being the Assistant Engineer and Foreman. As a matter of fact, when the work was going to take place, they informed the concerned lineman to switch off the power in the lines. The lineman, by his mistake, switched off only one line, while by oversight he omitted to switch off the other line, which was not within the knowledge of the petitioners. Therefore, the trial Court and the lower appellate Court ought to have considered the same and acquitted the petitioners.

5. Per contra, Mr.S.Vinothkumar, the learned Government Advocate Criminal Side appearing for the first respondent would submit that it is the duty of the petitioners, who are the Assistant Engineer and the Foreman, to have ensured that the power was snapped in the lines before permitting the deceased to work on the line. Therefore, they cannot now shift the burden on the lineman, and the trial Court as well as the lower appellate Court have correctly considered the issue.



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WEB COPY 6. I have considered the rival submissions made on either side and perused the material records of the case.

7. Whether the lineman is also guilty or not will not absolve the petitioners completely of their responsibility to ensure that the power is switched off in all the lines that are passing through the place of repair. Still, I can see that the said lineman was not even examined as a witness by the prosecution. Be that as it may, the same can also be considered with reference to the question of sentence. It is stated that the victim's family had received a sum of Rs.3,00,000/- as compensation from the Corporation. Over and above the same, both the accused have also undertaken before this Court to pay another sum of Rs.50,000/- each as compensation. The accused have since shown remorse, and there are no other antecedents against the accused. The accused are also facing the proceedings from the year 2018.

8. Considering all the above and considering the report of the Probationary Officer ensuring the address of the accused, this is a fit case for releasing the petitioners on probation. It is made clear that the finding of conviction will not be a disqualification for any purpose.



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9. Under the said circumstances, this Criminal Revision Case stands

disposed of and the finding of guilt for the offences under Section 338 (2 counts) and Section 304(A) of Indian Penal Code, 1860 by the judgment of the trial Court dated 05.04.2023 in C.C.No. 2398 of 2018 and the appellate Court dated 05.12.2024 in Crl.A.No.208 of 2023 shall stand confirmed. However, without proceeding further to impose any punishment, the petitioners are released on probation on the following condition:

(i) The petitioners shall pay additional compensation of Rs.50,000/- each in the name of one *Ravanammal*, the wife of the deceased, within a period of four weeks from the date of receipt of a copy of this order.

(ii) Both the petitioners shall also execute a bond for one year promising good conduct before the trial Court by duly enclosing a copy of the demand draft sent to the said *Ravanammal*.

(iii) By virtue of Section 12 of the Probation of Offenders Act, 1958, this finding of conviction will not be a disqualification for any purpose, including for any employment purposes or disbursement of retiral benefits, etc.

02.09.2025

Neutral Citation: Yes/No
nsl



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To
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1. The Inspector of Police,
J-6, Thiruvanmiyur Police Station,
Thiruvanmiyur, Chennai – 600 041.
2. The Managing Director,
The Tamilnadu Electricity Board,
Now Tamilnadu Generation and Distribution Corporation Limited,
Anna Salai, Chennai – 600 002.
3. The XIX Additional City Civil Court at Chennai.
4. XVIII Metropolitan Magistrate Court, Saidapet, Chennai.
5. The Public Prosecutor, High Court, Madras.



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D.BHARATHA CHAKRAVARTHY, J.

ns1

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