



CrI.RC.No.83 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 24.09.2025

CORAM:

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

CrI.RC.No.83 of 2025

Thangaraju

...Petitioner

Vs.

The State by
Inspector of Police,
Sankari Police Station,
Salem District.

...Respondent

Prayer: Criminal Revision Case filed under Section 432 and 442 of BNSS, as against the Judgment dated 22.11.2024 made in C.A.No.86 of 2023 on the file of the III Additional District Judge, Salem confirming the conviction imposed in Judgment dated 10.05.2023 made in C.C.No.40 of 2019 on the file of the learned Judicial Magistrate No.I, Sankari by allowing this criminal revision petition.

For Petitioner : M/s.M.Guruprasad

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

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This revision petition is filed as against the Judgement dated 22.11.2024 made in C.A.No.86 of 2023 on the file of the learned III Additional District Judge, Salem. By the said judgment, the conviction and sentence imposed by the trial Court was confirmed by the appellate Court. The learned Judicial Magistrate No.I, Sankari vide Judgement dated 10.05.2023 in C.C.No.40 of 2019 found the petitioner guilty of an offence under section 279 of Indian Penal Code and sentence to undergo simple imprisonment for 6 months and to pay a fine of Rs.1000/- in default to undergo simple imprisonment for 2 weeks and for offence Section 304(A), sentenced to undergo simple imprisonment for a period of 2 years and to pay fine of Rs.1000/- in default to undergo 2 weeks simple imprisonment.

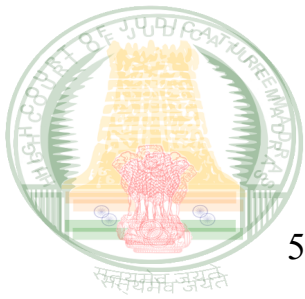
2. The case of the prosecution is that on 25.01.2019 at about 3:30 PM, when the deceased Sakthivel was proceeding in his two Wheeler bearing registration number TN-94-A-1245 on the left hand side of the sankari road, the accused drove the lorry bearing registration number TN.52-H-9724 in a rash and negligent manner in the opposite direction and hit the two Wheeler and caused the death. A case was registered in Cr.No.30 of 2019. PW7 took up the case for investigation and laid a final report proposing accused guilty of



the offence. Upon summons being issued, copies being furnished and questioned, the accused denied the charge and stood trial. In order to bring home the charge, the prosecution examined P.W.1 to P.W.7 and marked Ex.P1 to P8. After appreciating the case of the prosecution and that of the accused, the trial Court, by the aforesaid judgement, convicted the accused and sentenced as aforesaid. The appeal filed by the accused was also dismissed and as such, the present revision is filed.

3. Even though, the learned Counsel for the petitioner started to argue on merits, after some time, when this Court questioned relating to the basic degree of prudence and care to be exercised by the driver, the learned Counsel argued with reference to the punishment.

4. I have considered the place of accident on the highway and the rough sketch. I have also considered the manner in which the two wheeler was driven and it cannot be ruled out that there was some contribution on the part of the deceased and also considered the fact that there was no other previous or subsequent case against the accused and the accused is facing the proceedings from the year 2019. The accused was aged about 42 years at the time of occurrence.



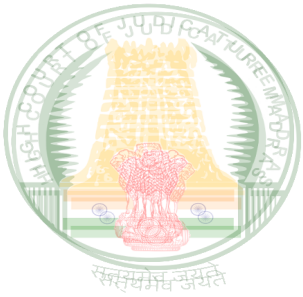
5. Considering all the above, instead of proceeding to sentence the accused, after admonition the accused can be released on probation. With the same view of mind, this Court called for the Probationary Officer's report. Today, the learned Additional Government Pleader would submit Probationary Officer's report dated 08.09.2025 and the contents have also been taken into account. The certificate also confirms that the person has since no adverse remarks and there are no other cases and has a permanent abode.

6. In view of the above, this Criminal Revision is partly allowed on the following terms:

(i) The conviction of the petitioner for the offence under Section 279 and 304(A) imposed by the trial Court vide Judgement dated 10.05.2023 in C.C.No.40 of 2019 and confirmed by appellate Court in C.A.No.86 of 2023 dated 22.11.2024 shall stand confirmed.

(ii) However, instead of sentencing the petitioner, he is ordered to be released on probation under the Probation of Offenders Act, 1958, on the following conditions:

(a) The petitioner shall appear before the trial Court and execute a bond of good conduct for a period of one



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year within a period of one month from the date of receipt
of a copy of this order.

(b) It is made clear that as per the provisions of the
Act, this conviction will not be a disqualification for his
service or any other purpose.

(iii) There shall be no order as to costs.

24.09.2025

Neutral Citation: Yes/No
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To

1. Inspector of Police,
Tiruppur South Police Station,
Tiruppur District.

2. The Principal Sessions Judge, Tiruppur.

3. The Judicial Magistrate No.II, Tiruppur.

4. The Public Prosecutor,
Madras High Court.



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D.BHARATHA CHAKRAVARTHY, J.

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