



Crl.R.C.(MD).No.191 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.08.2025

CORAM :

THE HONOURABLE MR.JUSTICE K.K. RAMAKRISHNAN

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Murugan

... Petitioner/Appellant/
Sole Accused

Vs.

The Inspector of Police,
Mallanginar Police Station,
Virudhunagar District.
(In Crime No. 24/2010)

... Respondent/Respondent/
Complainant

PRAYER: Criminal Revision Case filed under Section 397 r/w. 401 Cr.P.C., to call for the records and set aside the conviction passed by the Additional District and Sessions Court, Virudhunagar District in Crl.A.No.59 of 2016 by the judgment dated 17.11.2021, by confirming the conviction and sentence imposed by the Judicial Magistrate Court No.I, Virudhunagar, in C.C.No.42 of 2011 by the judgment dated 04.07.2016.

For Petitioner : Mr.R.Pon Karthikeyan

For Respondent : Mr.M.Karunanithi
Government Advocate(Crl.Side)



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ORDER

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The accused in C.C.No.42 of 2011 on the file of the Judicial Magistrate Court No.I, Virudhunagar, has filed this Criminal Revision Case before this Court, challenging the conviction and sentence imposed against him by the impugned judgment dated 04.07.2016. Which was confirmed on appeal before the Additional District and Sessions Judge, Virudhunagar. The conviction and sentence is as follows:

<i>S. No</i>	<i>Conviction for the Offence under Section</i>	<i>Sentence of Imprisonment</i>	<i>Fine</i>	<i>Default Sentence</i>
1.	304 (A) of IPC	Sentenced to undergo Rigorous Imprisonment for a period of one year		
2.	134(a) r/w 187 M.V Act		Rs.5,000/-	Two weeks Simple Imprisonment

2.For the convenience and brevity of the discussion of the case, the rank of the parties mentioned in C.C., are referred hereunder;-

3.1. Brief facts of the case:

On 24.02.2010, at about 11.15 hours, when P.W.1 along with his wife and children were standing at the Bus Stop situated at Thonukal



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East Side, for attending funeral function of his wife's grand-mother, the petitioner drove a Mini Container lorry bearing Reg.No.TN-69-J-2390, in a rash and negligent manner and dashed against the daughter of P.W.1, and ran over her. As a result, the daughter of P.W.1 died on the spot. Hence, on the basis of the complaint given by the complainant (P.W. 1), the respondent police registered a case in Crime No.24 of 2010 for the offences punishable under Sections 304(A) of IPC and 134(a)(b) r/w 187 M.V Act, before the Judicial Magistrate Court No.I, Virudhunagar. The same was taken on file in C.C.No.42 of 2011.

3.2.The learned Judicial Magistrate, summoned the accused and framed the necessary charges and questioned the accused and the accused pleaded not guilty and claimed to be tried.

3.3. After appearance of the accused, copies of records were furnished to him under Section 207 Cr.P.C. The learned Trial Judge, on perusal of records and on hearing both sides and being satisfied that there existed a *prima facie* case against the accused, framed charges under Sections 304(A) of IPC and 134(a)(b) r/w 187 M.V Act, and the same was read over and explained to him and on being questioned, the accused



denied the charges and pleaded not guilty and stood for trial.

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3.4.The prosecution, in order to prove its case, had examined 15 witnesses as P.W.1 to P.W.15 and exhibited 7 documents as Ex.P.1 to Ex.P.7.

3.5.When the accused was examined under Section 313(1) (b) of Cr.P.C., with regard to incriminating aspects against him, he denied the evidence as false and further stated that a false case has been foisted against him. The accused neither produced any documents nor examined any witness on his side.

3.6.The learned Trial Judge, considering the materials and circumstances found that the accused in C.C.No.42 of 2011 was guilty and passed the conviction and sentence as against the petitioner as stated above.

3.7. Aggrieved over the same, the petitioner/accused herein filed an appeal before the the Additional District and Sessions Court, Virudhunagar District, in Crl.A.No.59 of 2016 and the same was



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dismissed on 17.11.2021 by confirming the conviction and sentence passed by the learned trial Judge.

3.8. Challenging the concurrent finding of the Courts below, the petitioner herein has filed this Criminal Revision Case before this Court.

4. The learned counsel for the petitioner would submit that the learned trial Judge failed to consider the number of contradictions and inconsistencies in the evidence of the eye-witnesses namely, P.W.1 to P.W.4. The arrest of the accused by the Investigating Officer and producing him before the Court is against the the surrender of the accused before the Court and the same was not properly considered. Hence, he seeks to acquit the petitioner/accused.

5. Mr.M.Karunanithi, the learned Government Advocate (Crl.Side), appearing for the respondent police submitted that the petitioner is the driver of the vehicle. After the occurrence, he sped away from the place of occurrence without stopping the vehicle. Thereafter, he surrendered before the Court below. His identity and his involvement was clearly deposed by P.W.1 to P.W.4. Even though some minor



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contradictions and in consequential infirmities are available on record, the same is not material due to the long lapse of time in giving evidence from the date of the occurrence. Both the Courts below appreciated the evidence of P.W.1 to P.W.4 and there is no perversity in the order passed by the learned trial Judge and the first appellate Judge. Hence, he prayed for dismissal of the Revision.

6. This Court considered the rival submissions made by the learned counsel for the petitioner as well as the learned Government Advocate (Crl.Side) appearing for the respondent and perused the materials available on record.

7. On 24.02.2010, at about 11.15 hours, when P.W.1 along with his wife and children were standing at the Bus Stop, the petitioner had driven a Mini Container lorry, in a rash and negligent manner and dashed against the daughter of P.W.1. As a result, the daughter of P.W.1 died on the spot.

8. As rightly argued by the learned Government Advocate (Crl.Side) P.W.1 to P.W.4 clearly deposed about the accident that while



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they were standing in the bus stand, the petitioner drove a mini lorry in a rash and negligent manner and dashed against the daughter of P.W.1 and the minor contradictions in the evidence of eye-witnesses is not a ground to acquit the accused. In the said circumstances, this Court is not inclined to set aside the conviction passed against the petitioner disbelieving the evidence of P.W.1 to P.W.4.

9. However considering the fact that the petitioner is aged about 52 years and he has no previous bad antecedent and he is only bread winner of his family and accident is not due to any egregious conduct and victim received the compensation and he was in prison for a period of 35 days and also considering the totality of the circumstances, and considering the mitigating circumstances, and following the law laid down by the Hon'ble Supreme Court in the case of ***Sunita Devi vs. State of Bihar and another*** reported in ***2014 SCC Online 984*** and in the case of ***K.Ponnammal vs. State*** reported in ***2025 INSC 1014*** this Court is inclined to reduce the sentence from 1 year Rigorous Imprisonment to the sentence period **already undergone** for the offence under Section 304(A) of IPC with direction to pay a sum of Rs.25,000/- as compensation payable to either father or mother of the deceased.



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10. Accordingly, the Criminal Revision Case is **partly allowed** on the following terms of conditions:-

i) Though the conviction passed by the trial Court for the offence under Section 304(A) of IPC, is hereby confirmed, sentence of 1 year Rigorous Imprisonment for the offence under Sections 304(A) of IPC, is reduced to the period, which was already undergone by the petitioner. Fine amount with default sentence is hereby confirmed.

*ii) The petitioner shall pay a sum of **Rs.25,000/- (Rupees Twenty Five Thousand Only)** as compensation to either father or mother of the deceased within a period of 1 month from the date of receipt of a copy of this order.*

iii) In the event of failure to make the compensation amount of Rs.25,000/- (Rupees Twenty Five Thousand Only), the conviction and sentence passed by the Judicial Magistrate Court No.I, Virudhunagar, in C.C.No.42 of 2011, dated 04.07.2016, shall automatically be restored.

20.08.2025

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
dss



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To

1. The Additional District and Sessions Court,
Virudhunagar District.
2. The Judicial Magistrate Court No.I,
Virudhunagar.
3. The Section Officer,
Record Section (Crl.)
Madurai Bench of Madras High Court, Madurai.



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K.K. RAMAKRISHNAN. J.,

dss/sbn

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