

Crl.R.C.(MD)No.577 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2025

CORAM:

THE HON'BLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.R.C.(MD)No.577 of 2020

Rathish

... Petitioner/
Appellant/
Sole Accused

Vs.

State rep. by
The Sub Inspector of Police,
Allinagaram Police Station,
Theni District.
(Crime No.155 of 2010)

... Respondent/
Respondent/
Complainant

Prayer : This Criminal Revision Case has been filed under Section 397 and 401 of Cr.P.C., to call for the records from the lower Courts and set aside the judgment of the Appellate Court passed by the learned Principal District and Sessions Judge, Theni in C.A.No.3 of 2019 dated 30.06.2020 partly allowing the judgment of the learned Judicial Magistrate, Theni in C.C.No.107 of 2010 dated 29.03.2016 by allowing this revision.



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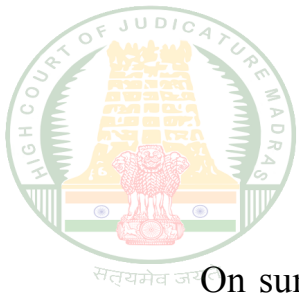
For Petitioner : Mr.R.Shankar Ganesh

For Respondent : Mrs.M.Aasha,
Government Advocate (Crl. Side)

ORDER

The Criminal Revision Case has been preferred by the accused against the judgment of conviction passed in Crl.A.No.3 of 2019 dated 30.06.2020 on the file of the Principal District and Sessions Court, Theni, partly reversing the judgment made in C.C.No.107 of 2010 dated 29.03.2016 on the file of the Judicial Magistrate, Theni.

2. The case of the prosecution is that on 03.03.2010, at about 07.50 a.m., when one Perumal Thevar was pedaling his bicycle from East to West direction near Veerappa Ayyanar Kovil, Allinagaram, a mini bus bearing Registration No.TN-60-D-8609, which came in the opposite direction in a rash and negligent manner, dashed against the said Perumal Thevar and as a result, he died. Hence, FIR came to be registered in Crime No.155 of 2010 on the file of the respondent police and after completion of investigation, final report came to be filed against the petitioner/sole accused for the offence under Section 304(A) IPC and the same was taken on file in C.C.No.107 of 2010 on the file of the Judicial Magistrate, Theni.

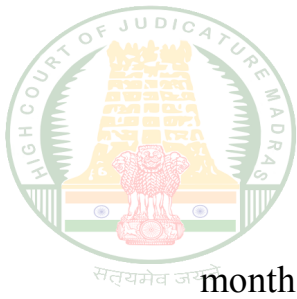


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On summons the petitioner appeared before the trial Court and copies of the documents were furnished to him under Section 207 Cr.P.C. and the substances of the charges were explained to the petitioner and he was questioned in Tamil and charges were framed under Section 304A IPC and he pleaded not guilty and claimed to be tried.

3. The prosecution to prove their case examined 8 witnesses as P.W.1 to P.W.8 and marked 9 documents as Ex.P.1 to Ex.P.9. On the side of the petitioner, no one was examined and no document was marked. After closing the evidence, the petitioner was questioned under Section 313(1)(b) Cr.P.C. He denied the incriminating evidence. No defence evidence was let in. The learned Magistrate on appraisal of the evidences arrived at a finding of guilty. Consequently, the petitioner was convicted and sentenced to simple imprisonment for six months and a fine of Rs.1,000/- with a default sentence of simple imprisonment for two weeks. As against the judgment of conviction and sentence, the petitioner preferred an appeal in Crl.A.No.3 of 2019 before the Principal District and Sessions Court, Theni. The appellate Court, while partly allowing the appeal, confirmed the conviction and reduced the sentence from six



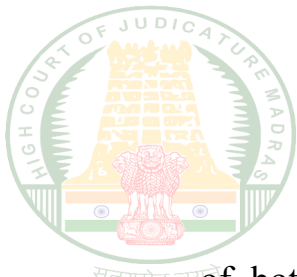
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months to three months vide judgment dated 30.06.2020. Aggrieved over the same, the present revision is filed.

4. The learned counsel appearing for the petitioner would submit that the evidence of P.W.1 and P.W.2 are not cogent and trustworthy and they have been planted for the purpose of the case and hence, their evidence are liable to be rejected. He would further submit that the Courts below have failed to consider the fact that there was no rash and negligence on the part of the petitioner and the same was not properly considered. Hence, the order of conviction and sentence of the Courts below are liable to be set aside.

5. The learned Government Advocate (Criminal side), on going through the records and on instructions, would submit that P.W.1 and P.W.2 narrated the details about the accident and clearly stated that a mini bus driven by the petitioner came in a rash and negligent manner and dashed against Perumal Thevar and hence, he died and that the Courts below on an appreciation of entire evidence on record have rightly convicted the petitioner and hence, there is no infirmity in the judgments



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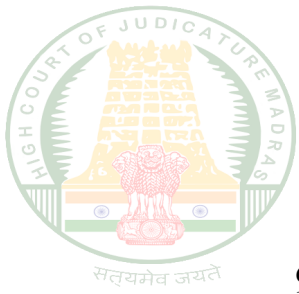
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of both the Courts below warranting interference in revision and she would pray for dismissal of the revision petition.

6. I have carefully considered the rival submissions made on either side. I have perused the material documents and also the evidence on record.

7. From the evidence of P.W.1, it is clear that the deceased was pedaling his bicycle on the left side of the road and at that time, the petitioner drove his mini bus in a rash and negligent manner and dashed against the deceased and in the result, the deceased died and the same was corroborated by the evidence of P.W.2. The Motor Vehicle Inspection Report also affirm the same. P.W.1's evidence is categorically supporting the prosecution case.

8. In the said circumstances, this Court does not find any infirmity in the appreciation of evidence by the Courts below warranting interference and there is no merit in the revision and as such, the same is liable to be dismissed.



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9. With regard to sentence imposed, the learned counsel appearing for the petitioner would submit that the petitioner is aged about 39 years and is having two children and he is the sole breadwinner of the family and that the petitioner is not involved in any other accident case either before or any time subsequent to this occurrence. He would further submit that the petitioner is ready to pay compensation of Rs.1,00,000/- to the legal heirs of the deceased Perumal Thevar. Hence, he requested some indulgence of this Court to reduce the punishment. The learned Government Advocate (Criminal side) has also stated that there is no previous case against the petitioner.

10. Mrs.M.Kokila, W/o.Jeyamurugan, Telephone Street, Pommaiyakoudanpatti, Allinagaram, Theni and Mrs.J.Saranya, W/o.Mathan, Kilakkutheru, U.Karuvelampatti, Uthamapalayam, who are the legal heirs of the deceased Perumal Thevar, are present before this Court today and they also agreed to receive the amount. Accordingly, the petitioner has given a Demand Draft for Rs.1,00,000/- to the above said legal heirs of the deceased Perumal Thevar (each Rs.50,000/-) and the same was received by them.



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11. In the result,

(i) this Criminal Revision Case is allowed in part;

(ii) the conviction against the petitioner for the offence punishable under Section 304A IPC is hereby confirmed; and

(iii) since the petitioner has paid Rs.1,00,000/- (Rupees One Lakh only) to the legal heirs of the deceased Perumal Thevar, the sentence of three months simple imprisonment imposed on the petitioner by the learned appellate Judge is hereby set aside.

02.09.2025

NCC : Yes/No

Index : Yes/No

Internet: Yes/No

csm

To:

1.The Principal District and Sessions Judge,
Theni.

2.The Judicial Magistrate,
Theni.

3.The Sub Inspector of Police,
Allinagaram Police Station,
Theni District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN,J.

csn

Judgment made in
Cr1.R.C.(MD)No.577 of 2020

Dated : 02.09.2025