



Crl.R.C.(MD)No.823 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2025

CORAM:

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

Crl.R.C.(MD)No.823 of 2022
and
Crl.M.P.(MD)No.10231 of 2022

D.Rajendran

... Petitioner/
Appellant/
Sole Accused

Vs.

The Inspector of Police,
Usilampatti Taluk Police Station,
Madurai District.
(Crime No.2 of 2013)

... Respondent/
Respondent/
Complainant

Prayer : This Criminal Revision Case has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records relating to the impugned judgment dated 17.12.2021 passed by the learned V Additional District and Sessions Court, Madurai in C.A.No.169 of 2017 confirming the conviction and sentence passed by the learned Judicial Magistrate No.I, Usilampatti in C.C.No.51 of 2013 dated 06.01.2017 and set aside the same by allowing the revision petition.



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For Petitioner : Mr.J.Selvam

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

ORDER

The petitioner/sole accused in C.C.No.51 of 2013 on the file of the learned District Munsif cum Judicial Magistrate No.I, Usilampatti has filed this Criminal Revision Case before this Court, challenging the impugned judgment of the V Additional Sessions Judge, Madurai in C.A.No.169 of 2017 dated 17.12.2021 confirming the conviction and sentence passed by the learned District Munsif cum Judicial Magistrate No.I, Usilampatti in C.C.No.51 of 2013 dated 06.01.2017. The conviction and sentence is as follows:

S. No.	Case No.	Conviction for the offence under Section	Sentence of imprisonment	Fine	Default sentence
1.	C.C.No.51 of 2013	304(A) IPC	to undergo rigorous imprisonment for a term of one year	Rs.3,000/-	One month simple imprisonment
2.	C.A.No.169 of 2017	304(A) IPC	to undergo rigorous imprisonment for a term of one year	Rs.3,000/-	One month simple imprisonment

2.1 Brief facts of the case:



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On 01.01.2013, at about 03.30 p.m., when the defacto complainant was going to a grocery shop by walk along with his two grandsons, namely, Veeranan and victim Karthick holding their hands from West to East direction in the mud road on the left side of the road, the petitioner drove a Tamil Nadu Government Transport bus bearing Registration No.TN-58-N-1567 from Usilampatti to Madurai, in a rash and negligent manner and dashed against the grandson Karthick. He sustained injuries and died on the spot. Thereafter, on the basis of the complaint given by the defacto complainant, the respondent police registered a case in Crime No. 2 of 2013 for the offences punishable under Sections 279 and 304(A) of IPC and after completing the investigation, filed the final report against the petitioner for the offences punishable under Sections 279 and 304(A) of IPC before the learned Judicial Magistrate No.I, Usilampatti and the same was taken on file in C.C.No.51 of 2013.

2.2.The learned Judicial Magistrate No.I, Usilampatti, summoned the petitioner and framed the necessary charges and questioned the petitioner and the petitioner pleaded not guilty and claimed to be tried.

2.3. After appearance of the petitioner, copies of records were



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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 petitioner, framed charges by reading over the charges and on being questioned, the petitioner denied the charges and pleaded not guilty and stood trial.

2.4.The prosecution, in order to prove its case, had examined 9 witnesses as P.W.1 to P.W.9 and exhibited 8 documents as Ex.P.1 to Ex.P.8.

2.5.When the petitioner 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 examined 1 witness as D.W.1.

2.6.The learned Trial Judge, considering the materials and circumstances found that the petitioner in C.C.No.51 of 2013 was guilty and passed the conviction and sentence against the petitioner as stated above. Aggrieved over the same, the petitioner filed an appeal before the V Additional Sessions Judge, Madurai in C.A.No.169 of 2017 and the



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same was dismissed on 17.12.2021 by confirming the conviction and sentence imposed by the learned Trial Judge. Challenging the concurrent finding of the Courts below, the petitioner herein has filed this Criminal Revision Case before this Court.

3. The learned counsel appearing for the petitioner would submit that none of the prosecution witnesses deposed that the petitioner drove the vehicle in a rash and negligent manner, that there were discrepancies with regard to the place of occurrence and that P.W.1 to P.W.5 are relatives of the deceased and as such, they are interested witnesses. He would further submit that the accident occurred as the child suddenly darted across the road and the accident could not be averted and that when three persons were allegedly walking together, the prosecution version that only one among them sustained injuries in the accident appears highly doubtful and unbelievable.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the evidence of eye witnesses P.W.1, P.W.3 and P.W.4 is natural, cogent, convincing and trustworthy.



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Hence, the trial Court had rightly appreciated the evidence of prosecution side witnesses and convicted the petitioner, which does not warrant any interference of this Court.

5. This Court considered the rival submissions made on either side and perused the materials available on record and also the impugned judgement passed by the Courts below.

6. Ex.P6 rough sketch clearly shows that the accident occurred on a tarred road and not on a mud road. The accident was unavoidable, as the child suddenly darted across the road with no opportunity for the petitioner to avoid the accident. Both the Courts below failed to properly consider the said circumstances and hence, this Court interferes with concurrent finding.

7. Considering the above facts and circumstances, this Criminal Revision Case is allowed by setting aside the Judgment passed by the V Additional Sessions Court, Madurai, dated 17.12.2021 in Crl.A.No.169 of 2017 confirming the judgment passed in C.C.No.51 of 2013 dated



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06.11.2017 on the file of the District Munsif cum Judicial Magistrate No.I, Usilampatti. Consequently, the conviction and sentence of imprisonment passed by Courts below are set aside. Petitioner is entitled to acquittal and refund of fine amount if any paid. The connected Criminal Miscellaneous petition is closed. Bail bond executed by the petitioner stands cancelled. The petitioner is set at liberty unless his presence is necessary in any other case.

21.08.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
csm

To:

- 1.The V Additional Sessions Judge,
Madurai.
- 2.The District Munsif cum Judicial Magistrate No.I,
Usilampatti.
- 3.The Inspector of Police,
Usilampatti Taluk Police Station,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN,J.

csn

Order made in
Crl.R.C.(MD)No.823 of 2022
and
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Dated : 21.08.2025