



Crl.R.C.(MD)No.617 of 2019

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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

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Jayaraj

... Petitioner/
Appellant/
Sole Accused

Vs.

State represented by
The Sub-Inspector of Police,
Aruppukottai Town Police Station,
Virudhunagar District.
(Crime No.31 of 2007)

... Respondent/
Respondent/
Complainant

Prayer : This Criminal Revision Case has been filed under Section 397 and 401 of Criminal Procedure Code, to call for the records and set aside the conviction and sentence imposed by the Additional District and Sessions Court, Virudhunagar in Crl.A.No.28 of 2016 on 02.08.2019 confirming the conviction and sentence imposed by the Judicial Magistrate Court, Aruppukottai in C.C.No.289 of 2007 on 02.03.2010 and allow this criminal revision petition.



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For Petitioner : Mr.M.Ramesh

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

ORDER

The petitioner/sole accused in C.C.No.289 of 2007 on the file of the learned Judicial Magistrate, Aruppukottai has filed this Criminal Revision Case before this Court, challenging the impugned judgment of the Additional District and Sessions Judge, Virudhunagar in C.A.No.28 of 2016 dated 02.08.2019 confirming the conviction and sentence passed by the learned Judicial Magistrate, Aruppukottai in C.C.No.289 of 2007 dated 02.02.2010. The conviction and sentence is as follows:

S. No.	Case No.	Conviction for the offence under Section	Sentence of imprisonment
1.	C.C.No.289 of 2007	304(A) IPC	to undergo simple imprisonment for a term of 4 months
2.	C.A.No.28 of 2016	304(A) IPC	to undergo simple imprisonment for a term of 4 months

2.1 Brief facts of the case:

On 13.09.2007 at about 17.40 hours, in front of Aruppukottai new



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bus stand, while the victim was attempting to board the bus bearing Registration No.TN-67-N-0086, which was driven by the petitioner / sole accused, she fell down due to the rash and negligent act of the driver in moving the vehicle without ensuring that the passenger had safely boarded the bus and consequently, the victim sustained injuries and died. Thereafter, on the basis of the complaint given by the defacto complainant, the respondent police registered a case in Crime No.731 of 2007 for the offence punishable under Section 304(A) of IPC and after completing the investigation, filed the final report against the petitioner for the offence punishable under Section 304(A) of IPC before the learned Judicial Magistrate, Aruppukottai and the same was taken on file in C.C.No.289 of 2007.

2.2.The learned Judicial Magistrate, Aruppukottai, 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 furnished to him under Section 207 Cr.P.C. The learned Trial Judge, on



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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 explained to him 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 14 witnesses as P.W.1 to P.W.14 and exhibited 11 documents as Ex.P.1 to Ex.P.11.

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 on him. The defence adduced neither oral nor documentary evidence.

2.6.The learned Trial Judge, considering the materials and circumstances found that the petitioner in C.C.No.289 of 2007 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 Additional District and Sessions Judge, Virudhunagar in C.A.No.28 of



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2016 and the same was dismissed on 02.08.2019 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 the presence of the alleged eye witnesses P.W.1, P.W.3, P.W.4 and P.W.6 at the scene of occurrence is doubtful, that the presence of P.W.4 and P.W.6 was not stated in the FIR and that the learned trial Judge has specifically observed that the presence of P.W.1 and P.W.3 was doubtful. Therefore, he seeks to set aside the conviction and sentence passed by the Courts below.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the evidence of P.W.2, who is the sister of the deceased, is cogent and trustworthy and the same was relied upon by the learned trial Judge. Therefore, she seeks to confirm the conviction and sentence passed against the petitioner.



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5. This Court considered the rival submissions made on either side and perused the materials available on record.

6. The presence of P.W.1 at the scene of occurrence is highly doubtful and the presence of P.W.1 was not satisfactorily established by the prosecution. When the presence of the complainant itself is doubtful, the complaint alleged to have been given by him also loses its credibility. In the absence of reliable evidence, the prosecution case cannot be accepted. Accordingly, the petitioner is entitled to the benefit of doubt and is acquitted of the charges.

7. In the result, the Criminal Revision Case is allowed. The conviction and sentence imposed by the Courts below are set aside and the petitioner / sole accused is acquitted of all charges. Fine amount, if any paid, shall be refunded. Bail bond, if any, shall stand terminated. Consequently, connected Miscellaneous Petition is closed.

21.08.2025

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



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To:

- 1.The Additional District and Sessions Judge,
Virudhunagar.
- 2.The Judicial Magistrate,
Aruppukottai.
- 3.The Sub-Inspector of Police,
Aruppukottai Town Police Station,
Virudhunagar 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
Cr1.R.C.(MD)No.617 of 2019

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