



Crl.R.C.(MD)No.1146 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.08.2025

CORAM:

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

Crl.R.C.(MD)No.1146 of 2022

R.Mariappan

... Petitioner/
Appellant/
Accused

Vs.

The State of Tamil Nadu,
rep. by the Inspector of Police,
Kottar Traffic Police Station,
Nagercoil, Kanyakumari District.
(Crime No.57 of 2011)

... 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 and set aside the judgment dated 19.10.2022 passed in C.A.No.128 of 2018 on the file of the Additional District and Sessions Court (Fast Track), Nagercoil confirming the judgment dated 05.09.2018 in C.C.No.180 of 2011 on the file of the Judicial Magistrate No.III, Nagercoil.



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For Petitioner : Mr.R.Murugan

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

ORDER

The Criminal Revision Case has been preferred by the accused against the concurrent judgments of conviction passed in Crl.A.No.128 of 2018 dated 19.10.2022 on the file of the Additional District and Sessions Court (Fast Track), Nagercoil, confirming the judgment made in C.C.No. 180 of 2011 dated 05.09.2018 on the file of the Judicial Magistrate No.III, Nagercoil.

2. The case of the prosecution is that on 03.06.2011, at about 09.45 p.m., when the defacto complainant's mother Bhagavathi Ammal was walking along Vadasery - Ozhuginasery road from West to East on the left side opposite to Krishna Hotel, a mini bus bearing Registration No.TN-74-E-7683, which was being driven by the petitioner, came behind in a rash and negligent manner without honking and dashed against the said Bhagavathi Ammal and as a result, the said Bhagavathi Ammal sustained injuries. Hence, The complaint (Ex.P.1) was given by P.W.1-daughter of the said Bhagavathi Ammal and after receiving the complaint, P.W.7-



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Inspector, Police Control Room registered an FIR (Ex.P.4) in Crime No.57 of 2011 for the offences under Sections 279 and 337 IPC. The investigation was taken up by P.W.10-Sub Inspector and he went to the scene of occurrence and prepared the observation mahazar marked as Ex.P.2 and the rough sketch marked as Ex.P.7 in the presence of witnesses. He recorded the statement of witnesses P.W.1 to P.W.5. In the meanwhile, on 05.06.2011, at about 01.45 a.m., despite treatment, the said Bhagavathi Ammal succumbed to the injuries, for which, sections were altered to section 304(A) IPC. Further investigation was taken up by P.W.11, who is the Inspector of Police attached to Kottar Traffic Police Station. The investigation officer conducted the inquest in the presence of the panchayatars and the inquest report was prepared by him and thereafter he took steps to send the body for post-mortem and the post-mortem was conducted by PW8. The post-mortem certificate was marked as Ex.P5 and he also collected the Motor Vehicle Inspection Report (Ex.P.6) and also obtained letter (Ex.P.3) from P.W.6, who is the owner of the mini bus. After completion of investigation, he filed a final report for the offence under Section 304A IPC and the same was taken on file in C.C.No.180 of 2011 on the file of the Judicial Magistrate No.III, Nagercoil. The



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investigation officer arrested the petitioner and he was released on station bail. On summons the petitioner/accused 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/accused 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 11 witnesses as P.W.1 to P.W.11 and marked 7 documents as Ex.P.1 to Ex.P.7. 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 evidence and other documents such as Motor Vehicle Inspector report, Postmortem report, Sketch and observation of Mahazar, arrived at a finding of guilty. Consequently, the petitioner was convicted and sentenced to rigorous imprisonment for one year and a fine of Rs.1,000/- with a default sentence of simple imprisonment for three months. As against the judgment of



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conviction and sentence, the petitioner/accused preferred an appeal in Crl.A.No.128 of 2018 before the Additional District and Sessions Court (Fast Track), Nagercoil. The appellate Court after, reappreciating the oral and documentary evidence, dismissed the appeal and confirmed the conviction and sentence of the trial Court vide judgment dated 19.10.2022. Aggrieved over the same, the present revision is filed.

4. The learned counsel appearing for the petitioner would submit that the Courts below have failed to consider the fact that the only eye witness in the case is P.W.4 and his evidence is not trustworthy, that P.W.1, P.W.2 and P.W.5, who are relatives of the deceased, are interested witnesses and non-consideration of the same needs interference and that there was no cross-examination of some witnesses by the defence counsel. Hence, the order of conviction and sentence of the Courts below is liable to be set aside.

5. Per contra, the learned Government Advocate (Criminal side) would submit that the prosecution has proved the case beyond all reasonable doubt and the Courts below after appreciating the evidence of



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the witnesses in a proper manner and taking into consideration the nature of the evidence, convicted and sentenced the accused. There is no infirmity in the judgments of both the Courts below warranting interference in revision and she would pray for dismissal of the revision petition.

6. This Court considered the rival submissions made on either side and perused the material documents and also the evidence on record.

7. P.W.4, who is the only eye witness in this case, has clearly deposed about the rash and negligent driving of the petitioner and his evidence corroborated with the evidence of P.W.4 and P.W.8 and on perusal of his evidence, it is clear that his evidence is trustworthy and does not lack credibility.

8. Though P.W.1, P.W.2 and P.W.5 are relatives of the deceased, their deposition cannot be brushed aside as not trustworthy for the simple reason that they are relatives. It is well settled law that just because the witnesses are related/interested/partisan witnesses, their testimonies



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cannot be disregarded, however, it is also true that when the witnesses are related/ interested, their testimonies have to be scrutinized with greater care and circumspection.

9. Though the learned counsel appearing for the petitioner would submit that there was no cross-examination by the defence counsel, it is evident from the records that the learned trial Judge has specifically observed that the witnesses were not cross-examined by the defence counsel, despite granting opportunity in this regard.

10. Considering the above, the Courts below rightly convicted the petitioner for the offence under Section 304A IPC.

11. However, the learned counsel appearing for the petitioner would submit that the petitioner is aged about 51 years and there is no further involvement of the petitioner in any occurrence after this case. Hence, he prayed for reduction in sentence.



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12. Considering the above submission and plight of the petitioner, this Court is of the view that the sentence of imprisonment as ordered by the learned Trial Court confirmed by the learned Judge in the First Appellate Court for a period of one year needs to be reduced to 15 days with condition to pay Rs. 1,00,000/- as compensation to the husband of the deceased.

13. In the result,

13.1. This Criminal Revision Case is allowed in part.

13.2. While maintaining the conviction of the accused for the offence punishable under Section 304A of the Indian Penal Code, sentence ordered by the learned trial Judge confirmed by the learned appellate Judge in the First Appellate Court for the offence punishable under Section 304A of the Indian Penal Code is reduced from one year to fifteen days with a condition to pay to **Rs.1,00,000/-** as compensation to the husband of the deceased within a period of one month from the date of receipt of copy of this order. If the petitioner is unable to trace the husband of the deceased, he shall deposit the said amount before the learned Trial



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Judge in Crime No.57 of 2011, in connection with C.C. No.180 of 2011.

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Upon such deposit, the learned Trial Judge is directed to invest the amount in an interest-bearing account in any nationalized bank, identify the husband of the deceased, and disburse the amount to him within a period of two months from the date of deposit.

13.3. Fine amount imposed by the trial Court confirmed in C.A. No. 128 of 2018 on the file of the Additional District and Sessions Court (Fast Track), Nagercoil needs not interference.

13.4. In default of payment of Rs. 1,00,000/- as compensation to the husband of the deceased, within a period of one month from the date of receipt of copy of this order, the Judgment in C.C.No. 180 of 2011 shall automatically be restored.

19.08.2025

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



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To:

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1. The Additional District and Sessions Court (Fast Track), Nagercoil
2. The Judicial Magistrate No.III, Nagercoil.
3. The Inspector of Police,
Kottar Traffic Police Station,
Nagercoil, Kanyakumari District.
4. The Section Officer,
Criminal Records
Madurai Bench of Madras High Court, Madurai.



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K.K.RAMAKRISHNAN,J.

csn

Judgment made in
Crl.R.C.(MD)No.1146 of 2022

Dated : 19.08.2025