



Crl.R.C.No.929 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2026

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

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Rameshbabu

.... Petitioner

Vs

State Rep. by
Inspector of Police,
Appakudal Police Station,
Erode District.
Crime No.275 of 2015.

.... Respondent

PRAYER: Criminal Revision Case is filed under Section 397 and 401 of Code of Criminal Procedure, to set aside the order dated 30.04.2021 made in Criminal Appeal No.296 of 2019 passed by the IV Additional District and Sessions Judge, Erode District at Bhavani, confirming the order dated 26.11.2019 made in C.C.NO.193 of 2015 passed by the Judicial Magistrate No.I, Bhavani, Erode District.

For Petitioner	:	M/s.M.Sangamithirai for Mr.S.Senthilnathan
For Respondent	:	Mr.L.Baskar Government Advocate (Crl.Side)

ORDER

This Criminal Revision Case has been filed as against the Judgment dated 30.04.2021 passed in Criminal Appeal No.296 of 2019 on the file of the IV Additional District and Sessions Judge, Erode District at Bhavani, thereby confirming the order of conviction and sentence imposed on the petitioner in



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C.C.No.193 of 2015 on the file of the Judicial Magistrate No.I, Bhavani, Erode District, for the offences punishable under Sections 279 and 304(A) of IPC.

2. The case of the prosecution is that, on 01.11.2015, at about 6.30 p.m., the accused drove a Maruthi Swift Dzire Car bearing Registration No.KA-05-AE-2995 from west to east on the Appakudal to Bhavani Road, near Vijaya Colony, in a rash and negligent manner and dashed against a two-wheeler bearing Registration No.TN-28-P-4227, which was coming from the opposite direction, thereby caused the death of the rider of the two wheeler and committed the offences punishable under Sections 279 and 304(A) of IPC.

3. Based on the complaint, the respondent police registered an FIR in Crime No.275 of 2015 for the offences punishable under Sections 279 and 304(A) of IPC. After completion of the investigation, the respondent police filed a final report and the same has been taken cognizance by the Trial Court in C.C.No.193 of 2015.

4. In order to prove the charges, the prosecution had examined P.W.1 to P.W.8 and marked Exs.P1 to P8. On the side of the accused, no witnesses were examined and no documents were marked to disprove the charges.



5. On perusal of the oral and documentary evidence, the Trial Court found the accused guilty of the offences punishable under Sections 279 and 304(A) of IPC and he was convicted for the offence under Section 279 of IPC and sentenced to pay a fine of Rs.750/- in default, to undergo one week simple imprisonment. He was further convicted for the offence punishable under Section 304(A) of IPC and sentenced to undergo one year simple imprisonment and to pay a fine of Rs.2,500/-, in default, to undergo one week simple imprisonment. Aggrieved by the same, the petitioner preferred an appeal and the same was dismissed by the Appellate Court and the order passed by the Trial Court was confirmed. Hence, the present revision case has been filed.

6. The learned counsel appearing for the petitioner submitted that there are several material contradictions in the evidence of the prosecution witnesses, which are fatal to the case of the prosecution. Without considering the same, both the Trial Court as well as the Appellate Court have erroneously convicted the petitioner. P.W.4, in his cross examination, deposed that the offending vehicle which came from northern side to southern side and dashed against the deceased's vehicle. It is completely contrary to the case of the prosecution that, while the deceased was riding his vehicle from east to west, the offending vehicle came from west to east and dashed against the deceased. Such material contradiction is not considered by both the Courts below. He



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further submitted that the petitioner is a taxi driver and at the time of accident, it was raining. Therefore, the accident had occurred not only due to the negligence on the part of the petitioner also due to the negligence on the part of the deceased. In fact, the deceased did not wear a helmet at the time of accident and he worn a helmet, the fatality could have been avoided.

7. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent police submitted that both the Courts below concurrently held that the accident had occurred only due to the negligence on the part of the petitioner, resulting in the death of one person. He further submitted that the road on which the accident took place is 40 feet in width and that the accident occurred on the extreame right side of the offending vehicle. The Rough Sketch was marked as Ex.P4 and it clearly shows that the petitioner was responsible for the accident, which resulted in the death of the deceased. Therefore, it does not warrant any interference by this Court.

8. Heard the learned counsel appearing on either side and perused the materials available on record.

9. The petitioner, by profession, is a driver. While he was driving his four wheeler from west to east on the Appakudal to Bhavani Road, he dashed



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against a two wheeler, which was ridden by the deceased from east to west. As a result of the impact, the deceased sustained grievous injuries and succumbed to the same on the way to the hospital. Based on the complaint, an FIR was registered as against the petitioner and he was charged for the offences punishable under Sections 297 and 304(A) of IPC. The eye witnesses to the occurrence were deposed as P.W.2 to P.W.4 and they categorically deposed that the accident occurred only due to the rash and negligent driving of the petitioner, as a result of which the deceased sustained grievous injuries and died. The Rough Sketch was marked as Ex.P4. A perusal of the Rough Sketch reveals that the petitioner drove his car on the extreme right hand side and dashed against the two wheeler which was driven on the extreme left hand side. It is also evident from the Motor Vehicle Inspection Report, which was marked as Ex.P7, that the car which was driven by the petitioner got damaged on its right hand side. Therefore, it is clear that the petitioner drove his car on the extreme right hand side and caused the accident. Further, the postmortem report shows that the deceased died due to the injuries sustained in the said accident. Thus, the prosecution has categorically proved the charges against the petitioner. The Trial Court rightly convicted the petitioner and the same has been confirmed by the Appellate Court. Therefore, this Court finds no reason to interfere with the concurrent findings of the Courts below.



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10. However, the learned counsel for the petitioner submitted that the insurer of the petitioner's vehicle has already paid compensation to the victim. Apart from the same, the petitioner is ready and willing to pay further compensation to the legal heirs of the deceased.

11. Considering the above submission and also taking into account the age of the petitioner, this Court is inclined to modify the sentence alone. Accordingly the conviction imposed on the petitioner for the offence under Sections 279 and 304(A) of IPC is hereby confirmed and the sentence imposed on the petitioner is modified to the period of imprisonment already undergone by the petitioner, on condition that the petitioner shall pay a sum of Rs.2,00,000/- (Rupees Two Lakhs only) as compensation to the legal heirs of the deceased **on or before 24.04.2026** by way of deposit to the credit of C.C.No.193 of 2015 on the file of the Judicial Magistrate No.I, Bhavani, Erode District. Failing which, the order of sentence imposed by the Trial Court and confirmed by the Appellant Court shall stand restored automatically. On such deposit, the legal heirs of the deceased are permitted to withdraw the said amount, along with accrued interest, if any, by filling an appropriate application. The Trial Court is directed to permit the legal heirs of the deceased to withdraw the deposited amount, without ordering notice to the petitioner



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herein. If the petitioner fails to deposit the said amount, the respondent is directed to secure the petitioner to undergo the remaining period of sentence.

12.With the above modification, this Criminal Revision Case is partly allowed.

18.03.2026

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
Lpp

To

1.The IV Additional District and Sessions Judge,
Erode District at Bhavani.

2.The Judicial Magistrate No.I, Bhavani,
Erode District.

3.The Inspector of Police,
Appakudal Police Station,
Erode District.

4.The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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