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CrI.R.C.No.1959 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.R.C.No.1959 of 2023

Mohamed Raffic

...Petitioner/accused

-Vs-

State by Inspector of Police,
C-2 Elephant Gate Police Station,
Traffic Investigation Wing,
Chennai-600 079

...Respondent

PRAYER: Criminal Revision Case filed under Section 397 r/w Section 401 Cr.P.C., praying to set aside the judgment in C.A.No.75 of 2020 dated 15.07.2022 on the file of the Principal Sessions Court, Chennai, confirming the conviction and sentence imposed by the learned III Metropolitan Magistrate, G.T., Chennai in C.C.No.3115 of 2017 dated 21.02.2020.

For Petitioner : Mr.K.Subburam

For Respondent : Mr.R.Vinoth Raja,
Government Advocate (CrI.Side)



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ORDER

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The petitioner has preferred the present Criminal Revision Case challenging the judgment dated 15.11.2022 in Crl.A.No.75 of 2020 passed by the Principal Sessions Court, Chennai, confirming the conviction and sentence imposed by the learned III Metropolitan Magistrate, George Town, Chennai, in C.C.No.3115 of 2017, for the offences as follows:

Under Section	Sentence
304-A IPC	To undergo 1 year R.I and pay fine of Rs.3,000/-, I/d. 2 months S.I
184 of M.V Act	To pay fine of Rs.1,000/-, I/d. 1 month S.I
3 r/w 181 of M.V Act	To pay fine of Rs.500/-, I/d. 2 weeks of S.I

2. The case of the prosecution is that the petitioner rode an auto without a valid driving license and dashed against the victim and P.W.1, who were pedestrians, thereby causing injuries on 21.06.2017 at about 11.15 a.m. The victim succumbed to the injuries and P.W.1 sustained injuries, and thus, the petitioner committed the aforesaid offences.



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3. The prosecution examined 11 witnesses and marked 12 documents as Ex.P1 to Ex.P12. The Trial Court, on appreciation of the oral and documentary evidence, found the petitioner guilty of the offences under Section 304-A IPC, Section 184 of M.V Act and found the owner of the auto liable for the offence under Section 3 r/w Section 181 of M.V Act and convicted and sentenced the petitioner as stated above. The Appellate Court confirmed the said conviction and sentence.

4. The learned counsel for the petitioner submitted that the witnesses cannot be believed; that there are vital contradictions in the evidence of P.W.1 and P.W.2, who are eye witnesses; that the time of the occurrence stated to the Doctor is 10.30 a.m., whereas according to the prosecution, the occurrence took place at 11.45 a.m; that the victim was an aged person, who died eight days after the accident; that the offence under Section 304-A IPC is not made out; and that the direction in which the auto came is also in doubt, as P.W.1's evidence is contrary to the prosecution case.

5. Heard the learned Government Advocate (Crl.Side) appearing for the respondent.



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6. It is seen that P.W.1 is the injured witness. Nothing has been elicited in the cross examination to discredit him though there are minor variations as regards the direction in which the deceased and P.W.1 were proceeding.

7. Both the Courts below found that the evidence of P.W.1 and that of the other eye witness, P.W.2 inspired confidence and accordingly convicted the petitioner for the aforesaid offences. It is also seen that the prosecution has established that P.W.1 had sustained injuries and that the victim sustained injuries and succumbed to the same eight days after the occurrence.

8. This Court finds no infirmity in the concurrent findings of fact recorded by the Trial Court and the Appellate Court, as minor contradictions pointed out by the petitioner do not make any of the witnesses unreliable. In any case, the concurrent findings of fact are not perverse so as to warrant interference. However, considering the age of the petitioner and the fact that the victim died eight days after the occurrence, which has a bearing on the nature of the act of the petitioner, this Court is inclined to modify the sentence imposed as follows:



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(i) The sentence imposed on the petitioner for the offence under Section 304-A IPC i.e., is reduced from one year R.I to four (4) months S.I and to pay fine of Rs.1,000/-, I/d. to undergo 2 months of Simple Imprisonment.

(ii) The conviction of the petitioner for the offence under Sections 184 of M.V Act and Section 3 r/w 181 of M.V Act, by the learned Sessions Learned III Metropolitan Magistrate, George Town, Chennai, vide judgment dated 21.02.2020 in C.C.No.3115 of 2017, is confirmed.

(iii) The fine amount already paid, if any, shall be adjusted against the fine amount imposed now.

(iv) The period of sentence already undergone by the petitioner shall be set off under Section 428 of Cr.P.C.

9. With the above modification in sentence, this Criminal Revision Case stands disposed of.

Anu
Index : Yes/No
Speaking Order/Non Speaking Order

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SUNDER MOHAN, J.
Anu

To

- 1.The Principal Sessions Court, Chennai
- 2.The III Metropolitan Magistrate, George Town, Chennai
- 3.The Inspector of Police,
C-2 Elephant Gate Police Station,
Traffic Investigation Wing,
Chennai-600 079
- 4.The Public Prosecutor,
High Court, Madras.

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