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CRL RC No. 2200 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 10-02-2026

PRONOUNCED ON : 12-02-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL RC No. 2200 of 2023

L.Raghu

...Petitioner

Vs

State Rep By Station House Officer
Vadalur Police Station,
Cuddalore District.
(Cr.No.455 of 2017)

...Respondent

Prayer: Criminal Revision Case filed under Sections 397 and 401 of the Criminal Procedure Code, to set aside the judgment dated 25.07.2023 passed in C.A.No.46 of 2022 on the file of the learned I Additional District and Sessions Judge, Cuddalore, confirming the Judgement dated 18.10.2022 passed in C.C.No.499 of 2019 on the file of learned Chief Judicial Magistrate, Cuddalore.

For Petitioner:

Mr.S.Narendran
Mr.A.Balamurugan
Appointed As Amicus Curiae
(vide Order dated 08.01.2026)

For Respondent:

Mr.R.Vinoth Raja
Government Advocate (Crl. Side)

**Order**

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The Criminal Revision Case challenges the judgment of conviction and sentence imposed by the learned I Additional District and Sessions Judge, Cuddalore in C.A.No.46 of 2022 confirming the judgment of conviction and sentence imposed on the petitioner by the learned Chief Judicial Magistrate, Cuddalore, in C.C.No.499 of 2019, for the offence under Sections 279, 337 and 304(A) of the IPC and sentencing him as follows:

Offence under Section	Sentence imposed
279 IPC	To undergo SI for 3 months and to pay a fine of Rs.1,000/-, in default to undergo SI for one month.
337 IPC	To undergo SI for 2 months and to pay a fine of Rs.500/-, in default to undergo SI for one month.
304(A) IPC	To undergo SI for 1 year and to pay a fine of Rs.5,000/-, in default to undergo SI for three months.

2. The case of the prosecution is that the petitioner had driven his car bearing Regn.No.TN18 AK 7669 on 16.12.2017 at about 3.00 a.m., in a rash and negligent manner and collided with a culvert on the left side of the road, as a result of which the car overturned and fell into a canal and submerged in the water; and that a passenger in the car, one Mansoor, sustained injuries and succumbed to the injuries and the other passenger Parveen, sustained injuries and thus, the petitioner committed the aforesaid offences.



3. On the complaint given by the injured victim [PW1], an FIR was registered in Cr.No.455 of 2017 and the charge sheet was filed against the petitioner for the offence under Sections 279, 337 and 304(A) of the IPC.

4. Before the trial Court, the prosecution examined 10 witnesses and marked Ex.P1 to Ex.P9. The trial Court found that PW1 to PW3 who had travelled, in the car driven by the petitioner, had stated that the petitioner had driven the car in a rash and negligent manner and caused the occurrence, which resulted in the death of one person and injuries to the other person and convicted and sentenced the petitioner as stated above. The appellate Court confirmed the said conviction and sentence.

5. Since this Court required effective assistance in this case, Mr.A.Balamurugan, learned counsel was appointed as *Amicus Curiae* on 10.02.2026.

6. (i) The learned *Amicus Curiae* would submit that there is no evidence to show that the petitioner had driven the car in a rash and negligent manner; that the evidence of the witnesses would only show



that the petitioner was driving the car at a high speed; that high speed would not necessarily mean that it was driven in a rash and negligent manner; and that except for the passengers in the car, the prosecution had not examined any witnesses to prove that the petitioner had driven the car in a rash and negligent manner.

(ii) The learned *Amicus Curiae* also relied upon the judgment of the Hon'ble Supreme Court in the ***State of Karnataka vs. Satish*** reported in **(1998) 8 SCC 493** and the judgment of this Court in ***Sekar v. State by S.I. of Police, Ethapur, Salem District***, reported in **2001 (2) MWN (Cr.) 249**.

7. The learned Government Advocate (Crl.Side) *per contra* submitted that the prosecution had established that the petitioner had not only driven the car at a high speed but also in a rash and negligent manner, as a result of which the car turned upside down and fell into a canal, causing the death of one person; that the nature of the accident and the evidence of PW1 to PW3 would suggest that the car was driven in a rash and negligent manner.



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8. The alleged occurrence is said to have taken place at about 3.00a.m., on 16.12.2017. The evidence of PW3, one of the passengers in the car, would show that she had requested the petitioner to drive the car in a careful manner and inspite of the same, the petitioner drove the car in a rash and negligent manner and caused the occurrence. PW1, PW2 and PW3 have all deposed that the petitioner was the driver of the vehicle and that the car turned upside down and fell into a canal. Nothing has been elicited in the cross-examination to discredit these witnesses.

9. It is no doubt true that driving a car at a high speed does not necessarily mean that the car was driven in a rash and negligent manner. But at the same time, the evidence adduced on the side of the prosecution suggests that though the petitioner was warned of the consequences, the petitioner drove the car in a rash and negligent manner and hit the culvert. The nature of the accident and the evidence adduced on the side of the prosecution would all go to show that the petitioner had driven the car in a rash and negligent manner. The Courts below have appreciated the evidence and found that the vehicle was driven by the petitioner in a rash



and negligent manner. This Court finds no infirmity in the said judgment and this Court would not interfere with the view taken by the Courts below, which is plausible and based on evidence. Therefore, the finding of guilt recorded by the Courts below, is sustained.

10. However, considering the age of the petitioner and the other circumstances of this case, this Court is inclined to reduce the sentence imposed on the petitioner and hence, it is ordered as follows:

(i) The conviction of the petitioner for the offence under Sections 279, 337 and 304(A) of the IPC, by the learned Chief Judicial Magistrate, Cuddalore, vide judgment dated 18.10.2022 in C.C.No.499 of 2019 and confirmed by the learned I Additional District Sessions Judge, Cuddalore, vide judgment dated 25.07.2023 in C.A.No.46 of 2022, is confirmed.

(ii) However, the sentence imposed on the petitioner for the offence under Section 304(A) of the IPC i.e., to undergo simple imprisonment for one year and to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for three months, is modified and the petitioner is sentenced to undergo simple imprisonment for four months and to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for three months.



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(iii) The sentences imposed on the petitioner for the offence under Sections 279 and 337 of the IPC are confirmed and all the sentences are ordered to run concurrently.

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

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

11. This Court records its appreciation for the valuable assistance rendered by Mr.A.Balamurugan, learned *Amicus Curiae*. The High Court Legal Services Committee is directed to pay the scheduled fees, payable to the legal-aid counsel, to the learned *Amicus Curiae*.

12. In the result, the Criminal Revision Case stands partly-allowed.

12-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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SUNDER MOHAN J.

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To

1. The I Additional District and Sessions Judge,
Cuddalore,
2. The Chief Judicial Magistrate,
Cuddalore.
3. The Station House Officer
Vadalur Police Station,
Cuddalore District.
4. The Public Prosecutor,
High Court, Madras.

**Pre-delivery Order in
CRL RC No. 2200 of 2023**

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