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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03-11-2026

CORAM

THE HON'BLE MRS.JUSTICE M.D.SUMATHI

CRL RC(MD) No. 566 of 2019

CNR:{HCMD010617192019}

Case QR

R. Lawrence Jayaraj ..Petitioner

Vs

State rep., through,
The Inspector of Police,
Traffic North Investigation Police Station,
Trichy.
(Crime No.115 of 2012) .. Respondent

PRAYER: This Petition filed under Section 391 r/w 401 of Cr.P.C., to call for the records pertaining to the order passed by the learned Principal Sessions Judge, Trichy in Crl.A.No.120 of 2018 on 28.01.2019 and set aside the conviction and sentence passed by the learned Judicial Magistrate No.I, Trichy, in C.C.No.136 of 2012 dated 14.09.2018.

For Petitioner : Mr.D.Boopal

For Respondent : Mr.C.Susikumar
Government Advocate(Crl. side)

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ORDER

This Criminal Revision Case has been filed challenging the judgment dated 28.01.2019 passed by the learned Principal Sessions Judge, Tiruchirappalli, in Crl.A.No.120 of 2018, confirming the judgment of conviction and sentence dated 14.09.2018 passed by the learned Judicial Magistrate No.I, Tiruchirappalli, in C.C.No.136 of 2012, whereby the petitioner was convicted for the offence under Section 304-A of the Indian Penal Code and sentenced to undergo rigorous imprisonment for one year.

2. The petitioner herein is accused in the above criminal case. The prosecution initiated proceedings against the accused alleging that the death in question had occurred due to rash and negligent conduct. After completion of investigation, the final report was filed before the learned Judicial Magistrate No.I, Tiruchirappalli, and the same was taken on file in C.C.No.136 of 2012.

3. The case of the prosecution, in brief, is that on 13.04.2012, at about 11.45 a.m., the deceased Sambasooran was going by walk from south to north in the East Bouleward Road, Trichy and by that time the petitioner came from behind in the same direction by riding a

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two-wheeler Hero-Honda Splender bearing No.TN 55 D 7257 in a rash and negligent manner and dashed Sambasooran from behind and caused death of Sambasooran. The prosecution alleged that the petitioner was responsible for the occurrence and that the act attributed to the petitioner amounted to rashness and negligence attracting Section 304-A IPC.

4. Based on the complaint, a case was registered in Crime No.115 of 2012. After investigation, the police filed the final report alleging commission of the offence under Section 304-A IPC. The petitioner denied the accusation and faced trial.

5. The learned Judicial Magistrate No.I, Tiruchirappalli, after conducting the trial and appreciating the oral and documentary evidence, found the petitioner guilty of the offence under Section 304-A IPC. The learned Magistrate convicted the petitioner and sentenced him to undergo rigorous imprisonment for one year.

6. The Trial Court accepted the prosecution case and concluded that the evidence placed before it was sufficient to establish the involvement of the petitioner in the occurrence and his criminal liability for the death caused. The Trial Court accordingly held that the

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ingredients of the offence under Section 304-A IPC stood established.

7. Aggrieved by the conviction and sentence, the petitioner preferred Crl.A.No.120 of 2018 before the learned Principal Sessions Judge, Tiruchirappalli. The learned Principal Sessions Judge, after considering the appeal and the materials placed before the Court, dismissed the appeal by judgment dated 28.01.2019 and confirmed the conviction and sentence imposed by the Trial Court. The Appellate Court thereby concurred with the conclusion reached by the Trial Court that the prosecution had established the charge against the petitioner. Challenging the concurrent findings of the Courts below, the petitioner has filed the present Criminal Revision Case.

8. The learned counsel for the petitioner submitted that the judgments of the Courts below are contrary to law and the evidence available on record. It was contended that the Courts below failed to properly appreciate the prosecution evidence and that the prosecution had not established the guilt of the petitioner beyond reasonable doubt. It was further contended that the prosecution had relied upon interested witnesses and had failed to examine independent witnesses, though the occurrence allegedly took place in a public place and in broad daylight.

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The petitioner also questioned the identification of the person involved in the occurrence and the identification of the place of occurrence.

9. The learned counsel further submitted that the evidence of P.Ws.1 to 3 contained material contradictions and improvements when compared with their statements recorded under Section 161 Cr.P.C. The Courts below, according to the petitioner, failed to properly consider the contradictions between the witnesses and the Investigating Officer. The principal ground raised by the petitioner is that the prosecution had failed to establish the essential ingredients of rashness or negligence. It was contended that neither the FIR nor the charge contained sufficient particulars to demonstrate the specific rash or negligent act attributed to the petitioner. Mere occurrence of an accident or the resulting death, according to the petitioner, would not automatically attract Section 304-A IPC. The petitioner therefore sought setting aside of the judgments of the Courts below and acquittal from the charge.

10. Heard the learned counsels appearing for the parties and perused the materials available on record.

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11. The question that arises for consideration is whether the prosecution has established the essential ingredients of the offence under Section 304-A IPC and whether the concurrent findings of the Courts below warrant interference in this revision. Section 304-A IPC applies where death is caused by a rash or negligent act not amounting to culpable homicide. The prosecution must establish not merely the occurrence of an accident or the fact of death, but also that the death was the direct result of a rash or negligent act attributable to the accused.

12. Rashness involves recklessness or disregard of the consequences of an act, whereas negligence involves the failure to exercise reasonable care. The mere fact that an accident has occurred and a person has died cannot, by itself, establish criminal rashness or negligence. In this regard, this Court in **Shanmugasundaram v. State, Crl.R.C.(MD) No.526 of 2017,** dated 13.08.2021, considered the scope of Section 304-A IPC. In the said case, the Court observed that the evidence of the occurrence witness did not establish the specific rash or negligent act of the accused. The Court further held that driving a vehicle at high speed, by itself, would not constitute an offence under Section 304-A IPC.

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13. The Court in the said judgment also emphasized that the prosecution must prove the rashness or negligence of the accused through cogent evidence. Where the evidence of the witnesses contains material contradictions regarding the manner of occurrence and does not establish the essential ingredients of the offence, the accused is entitled to the benefit of doubt.

14. A similar view was taken by this Court in **Vellayan v. State, Crl.R.C.(MD) No.180 of 2009**, dated 14.12.2017. In the said case, this Court found that the prosecution had failed to establish rashness or negligence through convincing evidence. The Court also noticed contradictions in the prosecution evidence and the failure to examine independent witnesses, despite the occurrence having allegedly taken place in a busy locality.

15. This Court held that the initial burden is upon the prosecution to establish the charge of rashness or negligence beyond reasonable doubt. The mere occurrence of an accident cannot be treated as proof of criminal negligence. Where the evidence does not establish the essential ingredients of Section 304-A IPC, the conviction cannot be sustained. The principles laid down in the above judgments are applicable to the

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present case. The prosecution is required to establish the specific act of rashness or negligence attributed to the petitioner. The fact that an occurrence took place and resulted in death cannot, by itself, lead to a conclusion that the petitioner committed an offence under Section 304-A IPC.

16. The grounds raised in the revision petition specifically question the absence of clear evidence regarding rashness or negligence, the contradictions in the evidence of the prosecution witnesses, and the failure of the Courts below to properly appreciate those aspects. These are not merely technical objections, but relate to the very ingredients necessary to sustain the conviction.

17. This Court further finds that the evidence adduced on the side of the prosecution is merely in the nature of bald evidence and is not supported by any independent or cogent material establishing the specific act of rashness or negligence attributed to the petitioner. The prosecution evidence, even when considered in its entirety, does not go beyond establishing the occurrence and the consequence thereof. There is no satisfactory evidence demonstrating the precise manner in which the petitioner acted rashly or negligently so as to attract the penal provision

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under Section 304-A IPC. In the absence of such essential evidence, the prosecution cannot seek to sustain the conviction merely on the basis of the occurrence itself.

18. It is settled that the revisional jurisdiction of this Court is not intended to undertake a fresh appreciation of evidence in every case. However, where the findings of the Courts below suffer from a material error in appreciating the essential ingredients of the offence, or where the conviction is not supported by legally sufficient evidence, this Court is justified in interfering with such findings.

19. In the present case, the conviction under Section 304-A IPC can be sustained only if the prosecution evidence establishes the rash or negligent act of the petitioner beyond reasonable doubt. The Courts below ought to have examined whether the evidence established the specific conduct attributable to the petitioner and whether such conduct was the direct cause of the death.

20. Applying the principles laid down in the above discussed case, this Court is of the view that the prosecution cannot succeed merely by establishing the occurrence and the resultant death. The essential

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ingredient of rashness or negligence must independently stand proved. Consequently, the conviction and sentence imposed upon the petitioner by the Courts below cannot be sustained and are liable to be set aside.

21. In the result, this Criminal Revision Case is allowed. The judgment dated 28.01.2019 passed by the learned Principal Sessions Judge, Tiruchirappalli, in Crl.A.No.120 of 2018, confirming the judgment dated 14.09.2018 passed by the learned Judicial Magistrate No.I, Tiruchirappalli, in C.C.No.136 of 2012, is set aside. The petitioner is acquitted of the charge under Section 304-A IPC. The bail bond, if any, executed by the petitioner shall stand cancelled. The fine amount, if any, paid by the petitioner shall be refunded to him.

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

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To

1. The Inspector of Police,
   Traffic North Investigation Police Station,
   Trichy.

2. The Additional Public Prosecutor,
   Madurai Bench of Madras High Court,
   Madurai.

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M.D.SUMATHI, J.
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CRL RC(MD) No. 566 of 2019
AND
CRL MP(MD) No. 7108 of 2019

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