

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(s). _____ OF 2025
(Arising out of SLP(Crl.) No(s). 7580 of 2024)

Mylsamy

... APPELLANT

VERSUS

**STATE
REP. BY SI OF POLICE**

...RESPONDENT

ORDER

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1. Leave granted.
2. The appellant stands convicted concurrently by the Trial Magistrate, the Appellate Court and the High Court for committing offences under Sections 279 and 304 (A) IPC and sentenced to undergo simple imprisonment for a period of one year and to pay a fine of Rs. 1,000/-, in default, to undergo simple imprisonment for a period of three months for the offence under Section 304 (A) IPC. No separate sentence was awarded for offence under Section 279 IPC.

3. The incident occurred at about 17.15 hours on 18.09.2010 when the deceased Dhatchinamoorthy was riding his two-wheeler on Pollachi - Coimbatore Main Road, a TNSTC bus driven by the appellant rashly and negligently came from opposite direction after overtaking a lorry and hit the two-wheeler of the deceased causing grievous injuries to him. He was rushed to CMC Hospital, Coimbatore where he was declared brought dead.

4. Basing on the evidence of informant Vivek (PW-1) and other eyewitnesses examined as PW-2 to PW-6, together with the statement of Investigating Officer/Thiru. Ravikumar (PW-8) and vehicle inspection report drawn by Motor Vehicle Inspector opining that the accident was not due to any mechanical failure in either of the vehicles, the Trial Magistrate found the appellant guilty for committing the offence which has been affirmed by the Sessions Court and the High Court.

5. Learned counsel for the appellant has taken us through the evidence to buttress her submission that the appellant was not guilty of driving the vehicle rashly and negligently. However, in view of the concurrent finding and having

examined the material, we are of the considered view that there is no illegality or perversity committed by the courts below in recording a finding that the appellant has committed the offence. Hence, we affirm the appellant's conviction for offence under Sections 279 and 304 (A) IPC.

6. Learned counsel for the appellant would submit that the appellant has undergone some part of the jail sentence. A departmental inquiry was conducted against the appellant for the same incident in which he was found guilty. However, the management of TNSSTC, Coimbatore has decided to impose penalty of withholding of annual increment for one year instead of imposing major penalty of termination of service. A copy of the order passed by the General Manager, TNSSTC, Coimbatore dated 07.01.2016 is placed before us which is made part of the record. Basing this, learned counsel would submit that the appellant may be sentenced for the period already undergone without affecting his services as he has left only one year of service.

7. Considering that the management of TNSSTC, Coimbatore has taken a lenient view against the appellant and despite

conviction he has not been terminated, we are of the considered view that ends of justice would be served if the sentence imposed upon the appellant is reduced to the period already undergone without affecting his services.

8. It is ordered accordingly.

9. Consequently, the appeal is disposed of upholding the appellant's conviction under Sections 279 and 304 (A) IPC and sentencing him to the period already undergone which shall not affect his services.

.....J.
(SANJAY KAROL)

.....J.
(PRASHANT KUMAR MISHRA)

**NEW DELHI;
MARCH 17, 2025.**

ITEM NO.1505

COURT NO.17

SECTION II-C

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s).7580/2024

[Arising out of impugned final judgment and order dated 03-04-2024 in CRLRC No.531/2019 passed by the High Court of Judicature at Madras]

MYLSAMY

Petitioner(s)

VERSUS

STATE REP. SI OF POLICE

Respondent(s)

[HEARD BY : HON. SANJAY KAROL AND HON. PRASHANT KUMAR MISHRA, JJ.]

(IA No. 116510/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 116511/2024 - EXEMPTION FROM FILING O.T.)

Date : 17-03-2025 This matter was called on for pronouncement of order today.

For Petitioner(s) Ms. Nina Nariman, Adv.
Mr. Selvam P., Adv.
Ms. M. Venmani, AOR

For Respondent(s) Mr. D. Kumanan, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

2. Hon'ble Mr. Justice Prashant Kumar Mishra pronounced the order of the Bench comprising Hon'ble Mr. Justice Sanjay Karol and His Lordship.

3. The Criminal Appeal is disposed of in terms of the signed order.

4. Pending application(s), if any, shall also stand disposed of.

(SAPNA BISHT)

COURT MASTER (SH)

(Signed order is placed on the file)

(ANJALI PANWAR)

COURT MASTER (NSH)