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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Order: September 8th, 2010

+ Revision Petition (Crl.) No.485 of 2010

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Sardar Ahmad

08.09.2010

...Petitioner

Versus

The State (Delhi Adm.) & Anr.

...Respondents

Counsels:

Mr. Baban Kumar Sharma for petitioner.
Mr. O.P. Saxena, APP for respondent.

JUSTICE SHIV NARAYAN DHINGRA

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether judgment should be reported in Digest?

ORAL

1. This criminal revision petition under Section 397 and 401 Cr.P.C has been preferred by the petitioner assailing an order dated 18th August, 2010 passed by first appellate court i.e. learned District Judge (East) in criminal appeal no. 23 of 2010 upholding the conviction of the petitioner under Section 279/337/304A IPC and upholding the sentence of one year awarded to the petitioner/accused.

2. The petitioner a truck driver, standing on traffic red light, had run over a person crossing zebra line when the light for pedestrians was green, by suddenly starting his truck with full acceleration, without caring for the traffic signal. The petitioner was caught at the spot with the help of public persons as he was trying to flee away. One constable on duty and the husband of the pedestrian, who was also crossing the road at zebra line, had deposed against the petitioner confirming to the fact that it was the petitioner's gross

negligence that caused death of Smt. Meenu Shukla and caused injuries to the child Aru who was in her lap. The learned trial court after evaluating the evidence came to conclusion that the petitioner was guilty of offences under Section 279, 337 and 304A IPC. The first appellate court again re-appreciated the evidence and came to same conclusion.

3. By way of present revision petition, the petitioner has assailed the order on merits. No jurisdictional error or illegality is pointed out in the judgment of the first appellate court. It is settled law that revisional jurisdiction is not akin to second appeal and the court while exercising revisional jurisdiction can set aside the order only if there is jurisdictional error or gross illegality committed by the trial court or the order is contrary to settled principles of law or the principles of natural justice had been violated. The case of the petitioner does not fall within the revisional jurisdiction of this Court. The petition is without merits and is hereby dismissed with no orders to costs.

4. The petition stands dismissed.

September 08, 2010
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SHIV NARAYAN DHINGRA, J