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APHC010616042008

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3560]
(Special Original Jurisdiction)

MONDAY, THE 27TH DAY OF JULY, 2026.

PRESENT

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

CRIMINAL REVISION CASE NO: 1594/2008

Between:

1. S.RAJASEKHARA REDDY, S/O.LATE S.OBULA REDDY, AGRICULTURE, RAGHUNATHAPURAM VILLAGE, SINGANAMALA MANDAL, ANANTAPUR DISTRICT.

...PETITIONER

AND

1. THE STATE OF A P REP BY PP, rep. by Asst. Sub - Inspector of Police, Garladinne P.S., Through its Public Prosecutor, High Court of A.P., Hyderabad.

...RESPONDENT

Revision filed under Section 397/401 of Cr.P.C praying that in the circumstances stated in the affidavit filed in support of the Criminal Revision Case, the High Court may be pleased to submit this Memorandum of Criminal Revision Case being aggrieved by the Judgment dated 23.10.2008 passed in Criminal Appeal No.18 of 2007 on the file of the Sessions Judge, Anantapur which modified conviction made in CC.No. 12/2002 on the file of the Addl. Judicial Magistrate of 1st Class, Anantapur.

IA NO: 1 OF 2008(CRLRCMP 2175 OF 2008

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to dispense with the production of certified copy of the Judgment made in

CC.No.12 of 2002 on the file of the Addl. Judicial First Class Magistrate, Anantapur , dated 09.02.2007

IA NO: 2 OF 2008(CRLRCMP 2184 OF 2008

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the Judgment dt. 23-10-2008 passed in Crl.A.No. 18 of 2007 on the file of the Sessions Judge, Anantapur, in Modifying the Judgment dt. 09-02-2007 passed in CC.No. 12 of 2002 passed by the Addl. J.F.C.M., Anantapur and to release the petitioner / accused on bail pending disposal of the present Crl.R.C.,

Counsel for the Petitioner:

1. P SRAVAN KUMAR REDDY
2. LEGAL AID

Counsel for the Respondent:

1. PUBLIC PROSECUTOR

The Court made the following Order:

The instant Criminal Revision Case has been preferred against judgment dated 23.10.2008 passed in Criminal Appeal No.18 of 2008 on the file of the learned Session Judge, Anantapur, which modified conviction made in C.C.No.12 of 2002 on the file of the learned Additional Judicial Magistrate of First Class, Anantapur.

2. **Brief facts of the case:**

On 23.05.2001 at about 08.00 hours deceased along with other prosecution witnesses boarded a jeep bearing No.AP 02 E 2887 belongs to DRDA on escort duty to the Collector. They followed the Collector's vehicle as escort and after visiting Gooty, Rayalacheruvu, they left to reach Anantapur by following the vehicle of the Collector. On the way, when their jeep reached near Thimmapuram bus stop on Gooty-Anantapur NH7 road at about 02.45 p.m., where Collector's car overtake a tractor trailer bearing No.AP 02/G 4485 and 4486, which is proceeding on the same direction, then the jeep on which the deceased and other escort party were travelling were crossing the tractor, the petitioner drove the tractor in a rash and negligent manner, without taking any care and precautions, suddenly turned his tractor towards right side, as a result, tractor loaded with soil hit the escort jeep, resulting which prosecution witnesses sustained injuries and one person succumbed to his injuries in hospital. Driver of the jeep lodged the complaint. On the basis of the report, charge was framed against petitioner/driver of the tractor-trailer under Section 337, 338 and 304-A IPC. After closure of prosecution witnesses, petitioner

found to be guilty for the offences punishable under Section 337, 338 and 304-A IPC and sentenced to undergo rigorous imprisonment for 2 years with a fine of Rs.1,000/-. The order of learned Magistrate was under challenge before the learned appellate Court, wherein the appeal was dismissed, however, the quantum of sentence was modified and reduced to undergo rigorous imprisonment for 6 months for the offence punishable under Section 304-A IPC and other allied sections. Hence, this revision case.

3. **Submissions of the petitioner:**

Learned counsel for the petitioner submits that there are no independent witnesses to prove that petitioner was drove the vehicle/tractor trailer in a rash and negligent manner, Motor Vehicle Inspector and Investigating Officer was not examined by prosecution, thus, it cannot be said that the prosecution case has been proved. He further submits that PWs.1 to 3 are the interested witnesses, being the government's servants and only to save the complainant, i.e., PW.1, they have deposed falsely. He further submits that from the evidences on record, it would be revealed that driver of jeep/PW.1 drove the vehicle in a rash and negligent manner for which the accident was occurred. He further submits that PW.3 clearly stated that the jeep dashed tractor-trailer from behind, which itself prove that PW.1 was negligent in driving the jeep in a rash and negligent manner. It is further argued that petitioner is an old aged person, he is suffering from different ailments. The criminal litigation is long pending since more than 20 years. Thus, some leniency may be observed. He further placed on record the

observation of this Court in Criminal No. 715 of 2014 as well as the observation of Hon'ble Supreme Court in ***Hanumanthappa v. State of Karnataka*** reported in ***2024 SCC Online SC 4054*** on the point of leniency.

4. **Submissions of State:-**

Learned Assistant Public Prosecutor submits that charge against petitioner has sufficiently proved beyond reasonable doubt. Evidence of PWs.1 to 3 cannot be brushed aside. They are injured witnesses who suffered injury in the accident. The accident surely occurred due to the rash and negligent driving of the petitioner. It is further concluded that the learned Appellate Court as well as the learned trial Court has dealt with all the evidences in proper perspective, hence, there is no scope to interfere.

5. **Observation of this Court:-**

On careful perusal of the observation of the learned Appellate Court, it appears that the learned Appellate Court has taken note of the submissions of petitioner before him. It is true that in this case, Investigating Officer and Motor Vehicle Inspector were not examined. PWs.1 to 3 deposed before the court in respect of the rash and negligent driving of the driver/petitioner. During the cross examination of PW.3, stated that jeep dashed at the back side of the tractor-trailer at the relevant point of time. But in his examination-in-chief as well as other part of cross-examination, it clears that right side of the trailer has dashed the jeep resulting the accident. Thus it cannot be said that the evidence of PW.3 is contradictory.

6. It further appears that the learned trial Court is of view that non-examination of Investigating Officer is not fatal for the prosecution case. In this particular case, the role of Investigating Officer is for conduction of investigation and submission of charge sheet against the offenders/accused. PWs.1 to 3 are the direct eye-witnesses and injured witnesses. They have unequivocally stated before the learned trial Court regarding rash and negligent driving of petitioner. It has never been disputed that petitioner suddenly turned tractor to right side of the road causing accident. If petitioner being the driver of tractor-trailer did not take sudden turn towards right or without giving any signal, the jeep coming behind tractor might not hit or may avoid accident, thereby, negligent driving of petitioner in driving tractor-trailer has been sufficiently proved. Defence has not raised any question or doubt in the mind of trial Court regarding alleged perfunctory investigation of Investigating Officer. Moreover, the accident was not denied. Thus, I am also on par with the view of learned appellate Court that non-examination of Investigating Officer in this case is not fatal for the prosecution case. Furthermore, there is no issue of causing accident due to mechanical defect of tractor-trailer, hence non-examination of M.V.Inspector is also not fatal for prosecution case. At the above observation, I find no merit to entertain the petitioner in this case.

7. However, this Court in several occasions has observed that the offence under Section 304-A IPC has referred a punishment of imprisonment or fine.

In ***Hanumanthappa's case*** (Supra), learned Apex Court has held that sentence for offence punishable under Section 304-A IPC is not mandatory.

8. In the attending facts and circumstances, it appears that alleged incident happened in the year 2001, more than 25 years has already been elapsed. The petitioner being the accused has appeared before the learned trial Court as accused and also proceeded to learned appellate Court and this criminal revision is pending since long time. He must grilled with heat of long pending criminal litigation before different Courts for which he must have suffered immense both physically, mentally and financially. Moreover, the petitioner is aged about more than 50 years. At this juncture, I think it is necessary to hold that punishment of imprisonment for the offence punishable under Section 304-A IPC, is not desirable, in the particular facts and circumstances of this case.

9. Accordingly, the order of conviction in the sentence recorded by the learned trial Court modified by the learned appellate Court is hereby further modified to a fine of Rs.10,000/-, over and above, the fine already imposed by learned trial Court in respect of other offences. Petitioner is directed to deposit the fine amount before the learned trial Court on or before eight weeks from this date, failing which, this order of modification would be vacated automatically.

10. Under the above observation, the Criminal Revision Case is disposed of. There shall be no order as to costs.

As a sequel, pending miscellaneous applications, if any, shall stand disposed of.

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JUSTICE SUBHENDU SAMANTA

Date : 27.07.2026

SPP

THE HON'BLE SRI JUSTICE SUBHENDU SAMANTA

CRIMINAL REVISION CASE No.1594 of 2008

Dated 27.07.2026

SPP