

THE HIGH COURT OF TRIPURA

A G A R T A L A

CRL. REV. P. NO.67 OF 2015

Petitioner :

Sri Mantosh Roy,
Son of Sri Madhab Roy,
Village-Chebri, BasantiTilla,
P.S. Khowai, District- Khowai, Tripura.

By Advocates :

Mr. BN Majumder, Advocate.
Mr. R. Saha, Advocate.
Mr. DJ Saha, Advocate.

Respondent :

The State of Tripura.

By Advocate :

Mr. A. Ghosh, P.P

B E F O R E

HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA

Date of hearing &
Judgment & Order : **30.09.2015**

Whether fit for reporting : **NO**

JUDGMENT & ORDER(ORAL)

By means of this petition, the petitioner has basically challenged the framing of charge against him under Section 304 Part-II of IPC.

(2) The undisputed facts are that the petitioner was driving a TATA Sumo bearing No.TR01B-3933 from Teliamura to Agartala. This vehicle met with an accident at Barmura Hill. It is alleged that there were 12-13 passengers including the driver travelling in the vehicle. I have gone through the written statements of some of the witnesses recorded under Section 161 Cr.P.C and the witnesses

have stated that the accident took place because the driver was driving the vehicle at a very high speed and lost control of this vehicle. If the statements had ended there then the petitioner would have been right that 304 Part-II may not have been attracted.

(3) However, further statement of the witnesses is that as soon as he realized that he had lost control of the vehicle, the petitioner-driver jumped off the bus. At this stage, this Court is not to decide whether this allegation is true or not. At the stage of framing charge this allegation has to be accepted to be true and if this allegation is true then the driver has left all the 12 passengers to the mercy of God and jumped off the vehicle to save himself without even making the slightest attempt to save the passengers. This would be an act falling within 304 Part-II because this would be an act which the petitioner should have realized could have led to the death of passengers.

(4) Therefore, I find no reason to interfere in the framing of charge. The petition is dismissed.

(5) It is made clear that any opinion expressed in this order is only for the purpose of disposing of this petition and shall not affect the disposal of the main case which must be decided in accordance with the evidence led during the trial.

CHIEF JUSTICE

Dipesh