

212

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRR No.634 of 2015

Date of decision: September 29, 2015

Mahesh Kumar

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Ravi K. Mattoo, Advocate
for the petitioner.

SABINA, J

Respondent No.2 had faced trial in FIR No.178 dated 16.04.2009, under Sections 279, 304-A of Indian Penal Code, 1860, registered at Police Station Kotwali, Patiala.

Trial Court vide order dated 03.12.2013 ordered the acquittal of the respondent No.2 qua the charges framed against him. The said order was upheld in appeal by the Appellate Court vide order dated 22.10.2014. Hence, the present petition by the petitioner.

I have heard learned counsel for the petitioner and have gone through the record available on the file carefully.

Prosecution story, in brief, is that on 15.04.2009 at about 6:30 PM, complainant had boarded the bus in question. Bus was ready to leave for Delhi. Amrita Devi boarded the bus and on an inquiry from the passengers, she came to know that bus was going to Delhi. In the meantime, bus had started. When Amrita Devi tried to step down from the bus,

she slipped and fell down and was run over under the rear wheels of the bus.

The Courts below while ordering the acquittal of respondent No.2 have noticed that Amrita Devi was to go to Samana, but had boarded the bus in question which was going to Delhi. On coming to know about the said fact, Amrita Devi asked the driver to stop the bus but the driver did not stop the bus. The driver of the bus had started the bus after getting the signal from the conductor. Amrita Devi then tried to step down from the moving bus and was run over under the rear wheels of the bus and had thus, died on account of her own negligence.

In the facts and circumstances of the present case, the Courts below rightly ordered the acquittal of the respondent No.2. In fact, Amrita Devi should have waited for the bus to stop completely and then should have alighted from the same. Rather Amrita Devi tried to alight from the bus while it was moving and consequently, died on account of her own negligence.

No ground for interference by this Court, is made out.

Dismissed.

**(SABINA)
JUDGE**

September 29, 2015
mahavir