

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1798 OF 2006

ORDER:

This Criminal Revision Case is filed by the petitioner/appellant/accused under Sections 397 and 401 Cr.P.C. challenging the judgment, dated 1.11.2006, in Criminal Appeal No.19 of 2003 on the file of the District and Sessions Judge, Chittoor whereunder and whereby, the learned Sessions Judge dismissed the appeal filed by the petitioner against the judgment, dated 30.1.2003 in C.C.No.160 of 2001 on the file of the V Additional Judicial Magistrate of First Class, Chittoor.

2. Case of the prosecution, in brief, is as follows:

The Sub-Inspector of Police, Chittoor Traffic Police Station laid the charge sheet against the accused in Crime No.36 of 2001 for the offence punishable under Section 304-A I.P.C. alleging that on 4.6.2001, at 9:30 P.M., while one P.Hariprasad (deceased) was going on his Suzuki Motorcycle bearing No.ADC-7821 near Church, Readspet, Chittoor on Chittoor-Puttur Road, the driver (accused) of the auto bearing No.ABC-4442 drove the same in a rash and negligent manner in high speed without blowing horn and without taking any due care and caution, and hit the above said motorcycle in which the deceased was riding as a result, he fell down and sustained severe bleeding injuries to his head and succumbed to those injuries while undergoing treatment. Hence, the accused has committed an offence punishable under Section 304-A I.P.C. After completion of investigation, the police filed the charge sheet.

3. Cognizance was taken against the accused for the offence under Section 304-A I.P.C. After appearance of the accused, he was charged under Section 304-A I.P.C. for which, he pleaded not guilty. So, the

accused was placed for trial. The prosecution examined eight witnesses and marked seven documents. On behalf of the accused, one witness was examined and two documents were marked. After considering both oral and documentary evidence, the trial Court found the accused guilty for the offence punishable under Section 304-A I.P.C. and accordingly, convicted and sentenced him to undergo simple imprisonment for a period of six months and to pay a fine of Rs.500/- and in default, to undergo simple imprisonment for one month. Aggrieved thereby, the petitioner preferred the aforementioned appeal and the same was dismissed by the learned Sessions Judge confirming the judgment of the trial Court on the ground that the trial Court has not committed any error. Challenging the said judgment, the petitioner filed this Revision Case.

4. Heard and perused the material available on record.

5. Considering all the facts and circumstances of the case and from the material available on record, both the Courts below have rightly come to the conclusion that the accused committed an offence punishable under Section 304-A I.P.C. and accordingly, convicted him as stated supra. Hence, this Court is not inclined to interfere with the conviction imposed by the Courts below.

6. Learned counsel for the petitioner submitted that the petitioner is nearly 60 years old and he is suffering from several health problems and hence, prayed to reduce the sentence of imprisonment.

7. Considering the facts and circumstances of the case and the submission of the learned counsel for the petitioner, this Court is inclined to reduce the sentence of imprisonment.

8. In the result, the conviction imposed against the petitioner/appellant/accused in the judgment, dated 1.11.2006, in Criminal Appeal No.19 of 2003 on the file of the District and Sessions

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