

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.454 of 2006

Janrail Singh, S/o Muktiyar Singh Thakur, aged about 36 years, R/o Ramsagar Para, Korba, District Korba, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through the Collector, Bilaspur

--- Respondent

For Applicant	:	Ms. Nirupama Bajpai, Advocate
For State/Respondent	:	Shri Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

1.9.2017

1. This revision has been preferred under Section 397 read with Section 401 of the Code of Criminal Procedure against the judgment dated 17.7.2006 passed in Criminal Appeal No.119 of 2004 by the Additional Sessions Judge, Mungeli, District Bilaspur dismissing the appeal and affirming the judgment dated 26.3.2004 passed in Criminal Case No.285 of 2000 by the Judicial Magistrate First Class, Mungeli convicting the accused/Applicant under Section 304A of the Indian Penal Code and sentencing him to undergo rigorous imprisonment for 3 months and to pay fine of Rs.3,000/- with default stipulation.
2. Case of the prosecution, in brief, is that on 11.3.2000 at about 7:30 a.m. near Village Bhatapara Pond, Baisakhu (deceased) was dashed by a truck bearing registration No.MIL 7114 being driven rashly and negligent by the accused/Applicant. As a result of which, Baisakhu sustained grievous injuries and died on the spot. The incident was seen by Shyamji (PW-5). He informed about the incident to son of the deceased, namely, Samaru (PW-1). First Information Report was lodged by Samaru (PW-1). Crime under

Section 304A of the Indian Penal Code was registered against the accused. After investigation, a charge-sheet was filed against the accused/Applicant.

3. After trial, the Trial Court convicted and sentenced the accused as mentioned in the first paragraph of this order. In appeal, the judgment of the Trial Court has been affirmed.
4. Learned Counsel appearing for the Applicant submits that she does not press this revision on merits and confines her argument to the sentence part only. She further submits that the matter is of the year 2000 and out of the total jail sentence of 3 months, the accused has already undergone the period of about 14 days. She further submits that the age of deceased Baisakhu, on the date of the incident and death, was 70 years. She further submits that the accused has no criminal antecedent and he is facing the *lis* since 2000, i.e., for about 17 years. Therefore, the jail sentence awarded to the accused may be reduced to the period already undergone by him.
5. On the contrary, Learned State Counsel opposed the revision and supported the impugned judgment.
6. It is not in dispute that the matter relates to the year 2000 and the accused is facing the *lis* for the last 17 years. He has no criminal antecedent. Out of the total jail sentence of 3 months, he has already undergone the period of about 14 days.
7. Considering the above facts and circumstances of the case, I am of the considered opinion that the ends of justice would be served if, while upholding the finding of conviction, the jail sentence

awarded to the accused/Applicant is reduced to the period already undergone by him and the amount of fine imposed upon him is enhanced to Rs.15,000/-.

8. Consequently, the criminal revision is allowed in part. The conviction imposed upon the accused/Applicant under Section 304A of the Indian Penal Code is upheld, but the jail sentence awarded to him thereunder by the impugned judgment is reduced to the period already undergone by him. The sentence of fine imposed upon him is modified and the amount of fine is enhanced to Rs.15,000/- payable within 2 months from the date of receipt of a copy of this order. In default of payment of the fine amount, the accused/Applicant shall be liable to undergo rigorous imprisonment for 1 month. The amount of fine already deposited shall be adjustable in the amount of fine imposed today.
9. It is reported that the Applicant is on bail. His bail bonds are not discharged at this stage and the same shall remain operative for a further period of six months from today in view of the provisions contained in Section 437A of the Cr.P.C.
10. Records of the Courts below be sent back along with a copy of this order forthwith for information and necessary compliance.

Sd/-
(Arvind Singh Chandel)
Judge