

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 97 OF 2017

IN

CRIMINAL APPEAL NO. 19 OF 2017

SAYYED NADAF, PRESENTLY LODGED AT
CENTRAL JAIL, COLVALE, THR. MAQBUL
PATEL.,

... Applicant

Versus

STATE, REP. THR. THE PUBLIC
PROSECUTOR.,

... Respondent

Mr. S.D. Lotlikar, Senior Advocate with Mr. Prasheen Lotlikar,
Advocate for the Applicant.

Mr. S.R. Rivankar, Public Prosecutor for the Respondent.

Coram:- C. V. BHADANG, J.

Date:- 24th March, 2017

P.C:

Heard the learned Senior Counsel for the applicant and the
learned Public Prosecutor for the respondent.

2. This is a case of an accident involving two vehicles, one of
which, was driven by the applicant. The applicant was tried for
the offence punishable under Sections 279, 304, 336 and 337 of
IPC.

3. The learned Additional Sessions Judge convicted the
applicant for the aforesaid offences. The applicant has been
sentenced to simple imprisonment for a period of five years and

to pay fine of Rs.50,000/- for the offence punishable under Section 304 Part II of IPC.

For the offence punishable under Sections 337 and 338 of IPC, the applicant is sentenced to imprisonment for a period of one year.

For the offence punishable under Section 279 of IPC, the applicant is sentenced to imprisonment for a period of six months.

4. The applicant was all along on bail during the course of trial before the learned Sessions Judge.

5. It is submitted by Shri Lotlikar, the learned Senior Counsel for the applicant that this was a case in which, two vehicles were involved and there are no circumstances on record to attribute knowledge to the applicant, so as to support conviction under Section 304 Part II of IPC.

6. The learned Public Prosecutor for the respondent submits that the learned Sessions Judge, after placing reliance on the decision of the Hon'ble Supreme Court in the case of ALISTER ANTHONY PEREIRA Vs. STATE OF MAHARASHTRA, (2012) 2 SCC 648, has come to the conclusion that there was knowledge.

7. On hearing the learned Counsel for the parties and the facts and circumstances as obtaining, the following order is passed:

O R D E R

(a) The substantive sentence of imprisonment awarded to the applicant, is hereby suspended, pending disposal of appeal, on condition of the applicant furnishing a P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(b) The applicant shall deposit the fine amount of Rs.50,000/-, within one week from today.

(c) Bail Bonds to be furnished and the fine amount of Rs.50,000/- to be deposited, before the learned Sessions Judge.

(d) Parties to act on the authenticated copy of the order.

C. V. BHADANG, J.

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