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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.REV.P. 796/2016**

JASPAL

..... Petitioner

Through: Mr. Murari Tiwari, Mr. Rahul Kumar
and Mr. Purna Mehta, Advs.

versus

STATE

..... Respondent

Through: Mr. G.M. Farooqui, APP for State
with ASI Jai Chand, P.S. Mukherjee
Nagar.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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02.08.2017

Petitioner was convicted under Sections 279/304A IPC by the trial court and sentenced to undergo rigorous imprisonment for 6 months for the offence punishable under Section 279 IPC and rigorous imprisonment for 1 year for the offence punishable under Section 304A IPC. Both the sentences were directed to run concurrently. Petitioner was also directed to pay compensation of ₹ 25,000/- under Section 357 Cr.P.C. to the legal heirs of the deceased.

Petitioner preferred an appeal before the Appellate Court which has been dismissed by the order dated 24th November, 2016 and the same has been impugned in this revision petition.

As per the prosecution, petitioner was a driver on the bus no. DL-1P-

7313 plying on route no. 881 on 31st October, 1998 from Azadpur Bus Stand to Kingsway Camp. At the bus stop near Dhaka Dhirpur Road, while the deceased was getting down from the front door of the bus petitioner suddenly started the bus as a consequence of which she fell down and sustained fatal injuries. Brother of the deceased was with her at the time of incident and had witnessed the incident. He had stepped in the witness box as PW1 and supported the prosecution version. He deposed that bus reached the Kingsway Camp at about 10:30 pm and stopped at the bus stand. He got down from the front gate of the bus and while his sister (deceased) was getting down, driver (petitioner) drove the bus away suddenly due to which, his sister fell down and came under the rear wheel of the bus. PW1 identified the petitioner correctly in Court. Trial Court as well as Appellate Court have found the testimony of PW1 trustworthy and reliable. It was also noted that petitioner was produced by the owner of the bus pursuant to the notice under Section 133 of the M.V. Act. Post-mortem report of the deceased was also taken into consideration.

During the course of hearing, learned counsel for the petitioner has given up the challenge to the conviction of the petitioner. He has only prayed for the leniency in the sentence. It is contended that petitioner is

aged about 58 years and is suffering from various ailments. Petitioner has a family to support. He has already completed more than 9 months in incarceration out of the total sentence of 1 year, therefore, sentence of the petitioner may be reduced.

Petitioner has no past criminal record. As per the nominal roll, petitioner is undergoing medical treatment in Central Jail since 2nd December, 2016. Jail conduct of the petitioner is satisfactory. Keeping in mind the above facts, while upholding the conviction of the petitioner under Sections 279/304A IPC, his sentence is reduced to the period already undergone by him, subject to his depositing the compensation of ₹25,000/- with the trial court. Amount so deposited be released by the trial court to the LRs of the deceased. Petitioner be released from jail after amount is deposited, if he is not required in any other case.

Petition is disposed of in the above terms. Miscellaneous applications are disposed of as infructuous.

Dasti.

A.K. PATHAK, J.

AUGUST 02, 2017
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