

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Appeal No. 434 of 2002**

Sanjay Singh S/o Bol Singh @ Bholu Singh R/o Katinar P.S. Banki Mongra,
Tah. Katghora Distt. Korba (C.G.).

-- Appellant**Versus**

State of Chhattisgarh.

---- Respondent

For Appellant	:	Mr. Ravish Verma, Advocate
For Respondent	:	Mr. U.K.S. Chandel, PL

Hon'ble Shri Justice Arvind Singh Chandel**Judgment on Board****18/07/2018**

1. This appeal has been preferred against the judgment dated 27/03/2002 passed by the IInd Additional Sessions Judge, Korba in S.T. No. 52/1996, convicting the appellant under Section 304-A of IPC and sentenced him to undergo RI for 2 years with fine of Rs. 1000/- with default stipulation.
2. As per prosecution story, the appellant was the driver of the truck bearing registration No. MKJ-8276. It was alleged that on 17/08/1995, when deceased- D.P. Malhotra was returning from BALCO on his scooter, near Setutala turning, the appellant, by rashly and negligently reversing the truck, dashed the deceased who sustained serious injuries. The deceased was later on hospitalized, where he was declared dead. FIR was registered. After investigation, a charge-

sheet under Section 304 Part-II of the IPC was filed. Charges under Section 304 Part-II was framed by the trial Court. After trial, the trial Court vide judgment dated 27/03/2002 has acquitted the accused/appellant from the charge under Section 304-II of the IPC and convicted and sentenced him as mentioned in para 1 of this judgment.

3. Learned Counsel appearing for the appellant submits that he does not want to press this appeal on merits and confines his argument to the sentence part only. It is further submitted that out of sentence of two years, the applicant has undergone the jail sentence from 27/03/2002 to 03/05/2002. The matter is of the year 1996 and the appellant is facing this */is* since 22 years. There is no criminal antecedents against him. Therefore, the jail sentence awarded to the appellant may be reduced to the period already undergone by him.
4. Per contra, learned Counsel appearing for the State supported the impugned judgment and submits that the sentence awarded by the trial Court is just and proper and requires no interference.
5. I have heard learned Counsel appearing on behalf of the parties and perused the record minutely.
6. Considering the above facts and circumstances, particularly considering that out of total jail sentence of two years, the applicant has undergone the jail sentence from 27/03/2002 to 03/05/2002 and they are facing this */is* since 1996, I am of the considered opinion that the ends of justice would be met if, while upholding the conviction imposed upon the appellant, the jail sentenced awarded to him is reduced to the period already undergone by him.

7. Consequently, the appeal is partly allowed. The conviction imposed upon the appellant is affirmed and the jail sentence awarded to him is reduced to the period already undergone by him. The fine sentence is also affirmed.
8. It is reported that the appellant/accused is on bail. His bail bond is not discharged at this stage and the same shall remain operative for a further period of 6 months in view of the provisions contained in Section 437-A of Cr.P.C.
9. Records of the Court below be sent back along with a copy of this order forthwith for information and necessary compliance.

Sd/-
(Arvind Singh Chandel)
Judge