

HIGH COURT OF CHHATTISGARH, BILASPUR
Criminal Revision No. 157 of 2005

Fagu S/o. Halkhori Yadav, Aged about 35 years, occupation Agriculturist, R/o. Patora Madhupara, Police Station Dhaurpur, District Surguja (C.G.)

----Applicant

Versus

State of Chhattisgarh,

---- Respondent

For Applicant	: None
For Respondent/ State	: Mr. Sanjeev Pandey, G.A.

Hon'ble Smt. Justice Vimla Singh Kapoor
Order on Board passed on 12.12.2018

By the judgment under challenge passed on 31.03.2005 by Additional Sessions Judge Ambikapur, District Surguja in Criminal Appeal No. 43 of 2005, the findings recorded by the learned Judicial Magistrate First Class Ambikapur, convicting the accused/applicant under Section 304 (A) IPC and sentencing him to undergo RI for two years and pay fine of Rs. 500/- with default stipulation and further to pay Rs. 5,000/- as compensation to the family members of the deceased.

2. Case of the prosecution, in brief, is that on 22.07.2000 accused/applicant Fagu was used to take illegal connection from main wire of electricity pole by hooking the open wire of his house. On 26.09.2000 at about 9 AM, while Ghurni Bai was going to her younger brother's house through the Badi of the applicant, she got in touch with the said electric wire, and died due to

electric shock. Merg intimation (Ex.P-1) was lodged by Mahojar in Police Station thereafter the charge sheet was filed against the accused/applicant under Section 304 -A IPC.

3. Having taken into consideration the material on record, the trial Court convicted the accused/applicant under Section 304-A IPC and sentenced him to undergo RI for two years with fine of Rs. 500/- and further to pay Rs. 5000/- as compensation. On appeal, learned lower appellate Court has affirmed the same. Hence, this revision.

4. There is a certificate dated 03.11.2018 issued by Government of Chhattisgarh which shows that the accused/applicant herein died on 24.10.2018 i.e. during the pendency of this revision. However, this Court has to decide the case on its own merits, in view of the order passed by the Constitution Bench of Supreme Court in the matter of **Pranab Kumar Mitra v. State of WB reported in AIR 1959 SC 144.**

5. Here in this revision the applicant/accused remained unrepresented. State counsel however supports the judgment under assail and submits that the Courts below have recorded the well reasoned finding while writing the judgment impugned and therefore, no interference there-with is needed by this Court.

6. Heard the State counsel and perused the evidence on record.

7. Having heard counsel for the State and perused the material available on record including the evidence of PW-1, PW-11 and PW-8, which shows that the applicant had taken illegal

connection from main wire of electricity pole by hooking and the wire was opened, due to which Ghurni Bai come in touch with the electric wire and died, this Court does not see any legal error in the findings recorded by both the Courts below convicting the accused/applicant under Section 304-A IPC and imposing the sentence as show above. The judgment impugned is hereby maintained.

8. Revision therefore being without any substance is liable to be dismissed and it is dismissed as such.

Sd/-
(Vimla Singh Kapoor)
JUDGE

Santosh