

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 511 of 2005

Beer Singh Thakur, S/o. Lakhan Singh Thakur, Aged about 55 years, R/o. Kari, P.S. Baloda Bazar, District Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Police Station Palari, District Raipur (C.G.)

---- Respondent

For Applicant : Mr. Anil Singh Thakur, Advocate.
For Respondent : Mr. M.Asha, PL

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board

27.11.2018

By the judgment under challenge passed on 26.11.2005 by Additional Sessions Judge Balodabazar, in Criminal Appeal No. 292 of 2004, the findings recorded by the learned Judicial Magistrate First Class Balodabazar, convicting the accused/applicant under Sections 279,337 and 304-A IPC and sentencing him to pay fine of Rs. 200/- under Section 279, Rs. 300/- under Section 337 and to undergo RI for six months with fine of Rs. 1000/- under Section 304-A IPC, have been affirmed.

2. Facts of the case, in short, are that on 07.04.1992 when complainant Bhagmati Bai (PW-1), Meghabai (PW-2), Charanbai (PW-3), Kamlabai (PW-9), Champabai (PW-10) and Dularabai were returning after attending the engagement ceremony of the

daughter of Bhagmati Bai, on the way the accused/applicant came there driving a tractor attached with trolley in a rash and negligent manner and hit Dularabai and Meghabai, as a result of which they fell down on the ground. Meghabai had sustained injuries on hand whereas Dularabai suffered injuries on her face, skull and hand which were bleeding profusely and after being taken to hospital she (Dularabai) died. After registration of offence and completion of investigation the charge sheet was filed against the accused/applicant.

3. Learned Magistrate having perused the material before it convicted the accused/applicant under Sections 279,337,304-A IPC and sentenced him as above, which on appeal has been affirmed by the judgment impugned. Hence, this revision.

4. Conviction is not being pressed on merit and the sole prayer made by the counsel for the applicant is confined to reduction of sentence imposed on the accused/applicant to the period already undergone on account of the fact that the case is quite old and the accused/applicant has already remained in jail for some time.

5. State counsel however, supports the findings recorded by the both the Courts below.

6. Heard learned counsel for the parties and perused the judgment impugned and the evidence available on record carefully.

7. From the statement of the (PW-1), (PW-2) & (PW-3), it is unflinchingly proved that the applicant while driving the tractor

attached with trolley in a rash and negligent manner hit Meghabai and Dularabai who were returning to their home village after attending some engagement ceremony. It is also established from the statements of these witnesses that on account of the rash and negligent act of the accused/applicant, Meghabai suffered injury in her hand whereas Dularabai on skull, face and hand which became fatal to her life after being taken to hospital. Therefore, the findings of conviction recorded by both the Courts below appear to be fully justified. It is hereby maintained.

8. As regards sentence, keeping in view the fact that the incident had taken place in the year 1992, that the accused/applicant has already remained in jail for a period of one week and further that by now he must be leading a well settled life saddled with innumerable responsibilities, this Court thinks it proper to reduce the sentence imposed on him to the period already undergone. Order accordingly.

9. With the above, the revision stands allowed in part.

Sd/-

(Vimla Singh Kapoor)

JUDGE

Jyotishi/Santosh