

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 19 of 2006

Ramlal S/o. Ram Prasad Panika, Aged about 26 years, R/o. Of
Haldibadi, Chirmiri, Police Station Chirmiri, District Korea (C.g.)

---- Applicant

Versus

State of Chhattisgarh, Through District Magistrate Baikunthpur
District Korea (C.G.)

---- Respondent

For Applicant : Mr. Mahendra Dubey, Advocate.
For Respondent : Mr. Gary Mukhopadhyay, G.A.

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board

10.12.2018

By the judgment under challenge passed on 21.12.2005 by
Additional Sessions Judge Baikunthpur, in Criminal Appeal No.
140 of 2004, the findings recorded by the learned Judicial
Magistrate First Class Baikunthpur, convicting the
accused/applicant under Sections 304-A IPC and sentencing him
to undergo RI for one year and to pay fine of Rs. 1000/- have
been affirmed.

2. Facts of the case, in short, are that on 30.04.2000
complainant Ranjeet Rajwade (PW-1) was returning from village
Majbandha to village Sardih with his cousin brother Rampyare
Rajwade on the bicycle, when they reached near village Shivpur,
at the same time the applicant was driving a jeep bearing

registration No. MP 29T-0024 with rash and negligence manner and hit Rampyare Rajwade, as a result of which he fell down on the ground and he was admitted in the regional hospital Charcha where he 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 Section 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), it is unflinchingly proved that the applicant while driving the jeep in a rash and negligent manner hit Rampyare Rajwade, who was coming to village Majbandha to village Sardih on the bicycle. It is also established from the statements of these witnesses that on

account of the rash and negligent act of the accused/applicant, Rampyare Rajwade was admitted in the regional hospital Charcha where he died. 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 2000, that the accused/applicant has already remained in jail for a period of 19 days 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. In lieu of this, the applicant however, would be required to pay an enhanced sum of fine of Rs. 5000/- from that of Rs. 1000/-. Let this amount be deposited by the accused/applicant in the trial Court within a period of three months from today. Order accordingly.

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

Sd/-
(Vimla Singh Kapoor)
JUDGE

Santosh