

THE HON' BLE SRI JUSTICE DR. SHAMEEM AKTHER

CRIMINAL REVISION CASE No.74 of 2005

ORDER:

This Criminal Revision Case is filed against the judgment dated 03.01.2005 on the file of the II Additional District and Sessions Judge, Madanapalle in CrI.A.No. 194 of 2004, confirming the judgment of the Judicial First Class Magistrate, Thambellapalle in C.C.No. 16 of 2001, dated 13.08.2004.

3. The Criminal Revision Case was posted on 31.01.2018. There was no representation for the revision petitioner (accused). So, it was ordered to be posted today to 14.02.2018 for dismissal. Thereafter also, it was adjourned from time to time. Today also, there is no representation for the accused. It appears, the accused has no interest to pursue the revision petition. It is a case of 2005. The same can be disposed of on merits.

4. The accused was found guilty of the offence under Section 304-A IPC and convicted and sentenced him to undergo simple imprisonment for six months for that offence in C.C.No. 16 of 2001 on 13.08.2004 by the Judicial First Class Magistrate, Thamballapalle. Aggrieved by that, he preferred Criminal Appeal No. 194 of 2004 before the Court of II Additional District and Sessions Judge, Madanapalle, and the same was dismissed, by judgment dated 3rd January, 2005.

5. Before the trial court, the prosecution examined PWs 1 to PW10, got marked Ex.P1- Report dated 17.03.2001, Ex.P2- 161 Cr.P.C statement of PW2, Ex.P3-Inquest Panchanama, dated 17.03.2001, Ex.P4- Motor Vehicle Inspector Report dated 19.03.2001, Ex.P5- Post Mortem certificate, dated 19.03.2001, Ex.P6- Observation Report, Ex.P7- First Information Report dated 17.03.2001, Ex.P8- Postal Cover and Ex.P9- Rough Sketch. As per the evidence on record, the accused drove tractor bearing registration No. AP 03 B 7553 with trailer bearing registration No. AP 03 B 7554 in a rash or negligent manner and caused the death of Marapa Reddy. The documents marked on behalf of the prosecution also substantiate the same.

6. The trial court, and the Court of Session, in appeal, elaborately dealt with the contentions raised on behalf of the accused. Both the courts acted on legal acceptable evidence. Both the courts did not admit any inadmissible evidence. There is concurrent finding of both the courts with regard to the guilt of the accused of the offence under Section 304-A IPC. The rash or negligent act on the part of the accused in causing the death of Marapa Reddy was proved. The identity of the accused is also proved. The vehicle bearing registration No. AP 03 B 7553 with trailer bearing registration No. AP 03 B 7554 causing the death is also proved. The accused was the driver of the crime vehicle at that point of time. There is no miscarriage of justice. There is no reason to take a different view.

6. The Criminal Revision Case is devoid of merits and is dismissed accordingly. Miscellaneous applications pending, if any, stand closed.

DR. SHAMEEM AKTHER

Date: 23.04.2018
DMG

