

HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.6070 OF 2018

ORDER:

The petitioner is A.2, who is the owner of HMV bearing No.AP-04-TW-7717. The crime No.28 of 2018 was registered by O.D.Chervu Police Station, Anantapur District, for the offences punishable under Sections 337, 338 and 304 Part-II IPC.

It is the case of the prosecution that the report of one G.Ramanjineyulu-LW.1, the defacto complainant, dated 25.04.2018, who is doing welding works at Diguvapally Village, in the proposal of his marriage at Bagepally Taluk, with one Goutami daughter of one Kumarapally on 25.04.2018 that on the previous day 24.04.2018 all the relatives of the bride while travelling in a tractor near culvert one cement lorry belonging to the petitioner-A.2 dashed the tractor with the passengers supra and he went to the scene of offence and noticed several people badly injured lying on road and his mother Lakshamma died on the spot and one Roddam Nageswari minor girl and one Roddam Kartik minor boy also died besides G.Manjunadh and other sustained severe serious injuries who were shifted to Kadiri Area Hospital and their tractor bearing No.AP-27-AM-8609, name of the tractor driver is one K.Giri and lorry driver's name is P.Nagendra Prasad of the lorry bearing No.AP-04-TW-7717 that is due to rash and negligent driving of the lorry driver, 4 persons died on the spot and four and above got injured, hence to take action.

After registration of the crime, in the course of investigation several witnesses examined including LW.27, RTI Inspector.

The contention of the learned counsel for the petitioner that he is the owner of the lorry and there is trip sheet already filed showing the lorry driver got license and if at all the accident occurred is in the case tractor taking of passengers and with overloading of 20 persons of the marriage party and not for negligence of the lorry driver. Prima facie from the perusal of the case diary the lorry driver's negligence that contributed the accident though trip sheet mentions the lorry driver got license in the say of the petitioner-owner of the lorry of entrusted to driver having license, LW.27, Motor Inspector, Kadiri, statement dated 05.05.2018 as part of the case diary clearly shows as per the police requisition, the lorry driver on verification of the computer records with name and address particulars not having any driving license and the accident occurred not because of any mechanical defects of the lorry and it is because of the driver with no license rashly and negligently driving the vehicle and dashed the tractor that was proceeding even on the left side of the road.

Having regard to the above, the very entrustment of the vehicle with no license itself attributed knowledge about the death from the involvement of the lorry dashed the tractor. Thereby, the petitioner does not deserve the concession of bail.

At this stage, learned counsel for the petitioner wanted to withdraw, in fact even earlier anticipatory bail application filed before this Court in CrI.P.No.5502 of 2018 and the same was withdrawn for whatever the reason not mentioned therein covered by withdrawal order dated 31.05.2018. Hence not permitted to withdraw, but for disposal on merits. However, it is not a bar for regular bail from showing of changed circumstances.

Accordingly and in the result, this Criminal Petition is dismissed.

Miscellaneous petitions, if any, shall stand closed.

Date: 09.07.2018
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Dr. B. SIVA SANKARA RAO, J

