

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 190 of 2009

Janak Lal Pandey, S/o Shri Paras Ram Pandey, aged about 32 years, R/o Santoshi Nagar, Tikra Para, Raipur, District Raipur (CG)

---- Applicant

Versus

State of Chhattisgarh through Station House Officer, Police Station Arjuni, District Dhamtari (C.G.)

--- Respondent

For Applicant : Mr. Manoj Kumar Dube, Advocate.

For State/Respondent : Mr. Himanshu Sharma, Panel Lawyer

Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board

19/06/2019

The allegation against the accused/applicant is that in the night of 13.03.2005 he dashed against a stationary truck near a culvert and this rashness and negligence on his part while driving the bus bearing registration No.CG 04 E/0304 with many passengers on board and made 4 persons lose their life and render many injured. On the basis of telephonic information to the Police the crime was registered with registration of Dehati Nalsi followed by the First Information Report against the accused/applicant.

2. *Challan* was filed against the accused/applicant under Section 304-A on four counts, under Section 337 on 11 counts, under Section 338 on 5 counts and under Section 279 IPC. Learned Magistrate vide judgment dated 16.10.2008 found the accused/applicant guilty under all those sections with imposition of sentence of RI for 3 months under Section 304-A IPC and with fine under other sections, which has been affirmed in appeal also vide judgment under challenge in this revision petition dated 28.03.2009.

3. Heard counsel for the parties and perused the material on record. PW-1, PW-4, PW-5, PW-6 and PW-7 all the passengers on board at the

relevant time have categorically stated that in the fateful night the accused/applicant was driving the Dhamtari bound bus in a rash and negligent manner and due to it being at an excessively high speed the driver lost his control there-over and dashed against a stationary truck closer to a culvert. In cross-examination also they all remained firm to what they stated in the examination-in-chief. The statement of these witnesses thus clearly establishes the carelessness of the accused/applicant while driving the vehicle carrying many passengers on board which became a curse to many – making some lose life and some become injured. No mechanical failure in the bus has been pointed out by counsel for the accused/applicant which might have led to such a horrible accident. In view of the material collected by the prosecution, the Court below appears to have been fully justified in holding the accused/applicant guilty as mentioned above. It is hereby maintained.

4. As regards sentence, keeping in mind the fact that the occurrence is of the year 2005 and that the accused/applicant after facing a long prosecution also remain behind the bars for about two weeks, this Court feels it just and proper to reduce the jail sentence imposed on him to the period for which he had already been inside. Sentence of fine however deserves no alteration. Ordered so.

5. Revision succeeds in part to the aforementioned extent.

Sd/-
(Vimla Singh Kapoor)
Judge

jyotishi/ajay