

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 672 of 2008**

- Satpal Singh, S/o Balwant Singh, aged about 58 years, R/o Ashok Chowk, Nagpur (Maharashtra).

---- Applicant**Versus**

- State of Chhattisgarh, through P.S. Mahasamund, District-Mahasamund (C.G.)

---- Respondent

For Appellant	: Shri U.K. Singh Chandel, Advocate
For Respondent/State	: Shri Anil Tripathi, PL

Hon'ble Smt. Justice Rajani Dubey**Order On Board****06.08.2019**

1. The present revision arises out of the impugned judgment of conviction and order of sentence dated 03.10.2008 passed by the Sessions Judge, Mahasamund, C.G. in Criminal Appeal No. 82/2007 whereby, the learned appellate Court below has confirmed the conviction and sentence of the accused/applicant as awarded by the learned Judicial Magistrate First Class, Mahasamund, vide its judgment dated 13.08.2007 in Criminal Case No. 308/2001 for the offence under Section 304(A) of IPC and sentenced him to undergo R.I. for three months with fine of Rs. 1,000/-, plus default stipulation.

2. Brief facts of the case are that on 13.05.2000 at about 9.30 A.M., deceased Helen Isai was going by road side of National Highway No. 6 of Village Bhaghat Deori with her one year old child and, at that time, she met with an accident by the truck bearing registration No. MP-26-D-3322 driven by present applicant in rash and negligent manner as a result of which deceased Helen died on the spot. Thereafter, an FIR was registered against the appellant in the police station. After

completion of investigation, charge sheet was filed and charge was framed under Section 304(A) of IPS against the applicant.

3. So, as to hold the accused/applicant guilty, the prosecution has examined as many as 03 witnesses. Statement of the accused/applicant was also recorded under Section 313 of the Cr.P.C. in which he denied the charge leveled against him and pleaded innocence and false implication in the case.

4. After hearing the parties, vide impugned judgment of conviction and order of sentence dated 13.08.2007, learned Judicial Magistrate has convicted and sentenced the applicant for the offence under Section 304(A) of IPC and sentenced him to undergo R.I. for three months and to pay fine of Rs. 1000/- with default stipulation. This order was appealed by the applicant and in the appeal, learned Appellate Court has confirmed the conviction and sentence of the appellant. Hence, the present revision.

5. Heard learned counsel for the parties and perused the material on record including the impugned judgment.

6. Counsel for the applicant submits that he is not pressing the revision so far as it relates to the conviction part of the judgment and would confine his argument to the sentence part thereof only. According to him, the incident is said to have taken place in the year 2000, and thereby more than 19 years have rolled by since then. He is aged about more than 60 years. The applicant has already remained in jail for more than 15 days, and no useful purpose would be served in again sending him to jail, therefore, in the interest of justice, it would be appropriate if the sentence imposed upon him may be reduced to the period already undergone by him.

7. Learned counsel for the State has no objection to this preposition.

8. Having gone through the material on record and the evidence of the witnesses Anil Kumar (PW-2), and Dr. Jai Shri Sahu (PW-3), involvement of the accused/applicant in the crime in question stands

proved beyond reasonable doubt. This Court does not see any illegality in the findings recorded by both the Courts below as regards conviction of the appellant under Section 304(A) of IPC.

9. As regards sentence, keeping in view the facts that incident had taken place in the year 2000, and further that the appellant had already remained in jail for more than 15 days, therefore, his sentence is liable to be reduced to the period already undergone by him.

10. In view of the above consideration, the revision is partly allowed. While maintaining the conviction of the appellant, he is sentenced to the period already undergone by him.

**Sd/-
(Rajani Dubey)
JUDGE**