

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 452 of 2004

Order reserved on 07.03.2019

Order pronounced on 04.12.2019

1. Yogendra Singh Thakur, Son of Late Ramnath, aged about 45 years, Resident of village Bardih, Police Station Dhourpur, District Surguja, CG.
2. Smt. Anita Singh, D/o. Late Ramnath, aged about 42 years, Resident of Village Koilartikra (Belkharikha), Post Office Belkharikha, District Surguja, CG.
3. Rampal Singh, Son of Late Ramnath, aged about 38 years, Resident of village Bardih, Police Station Dhourpur, District Surguja, CG.
4. Smt. Amita Singh, Daughter of Late Ramnath, aged about 35 years, Resident of village Bardih, Police Station Dhourpur, District Surguja, CG.

---- Applicants

Versus

State of Chhattisgarh

---- Respondent

For Applicants : Ms. Neha Verma, Advocate

For Respondent/State : Shri Aman Kesharwani, PL

Hon'ble Smt. Justice Vimla Singh Kapoor

C.A.V Order

On 17.09.1995 at about 4 AM when deceased Somarsai along with his friends and family members was passing through the field of accused after returning from some religious program, being on forefront he came in the grip of fencing in which electric current was flowing which ultimately proved fatal to Somarsai. On the *merg* given by Narendrasai (PW-2) who was in the company of deceased, FIR was registered against the deceased accused under Sections 304-A and 379 IPC. After completion of investigation charge-sheet was laid followed by framing of charge accordingly.

2. It is relevant to mention here that this revision is being contested by the legal heirs of accused Ramnath who died during the pendency of this revision.

3. Learned Magistrate by its order dated 05.05.2003 convicted the deceased/accused for the offences under Section 304-A IPC and sentenced him to undergo RI for 3 months with fine of Rs.2000. In appeal also, the conviction under Section 304-A IPC has been maintained. Hence this revision.

4. Having heard counsel for both the parties and seen the evidence of the witnesses in particular that of PW-2, PW-3, PW-4 and PW-5 this Court is not inclined to take a different view to the one taken by learned Courts below. PW-2 and PW-3 who had been in the company of deceased at the time of occurrence have dully supported the case of the prosecution by stating that being in the front deceased Somarsai got stuck in the fencing wire in which electric current was flowing and met the death on the spot. PW-4 and PW-5 have also stated that they saw the body of the deceased lying in the field. According to the doctor (PW-13) who conducted the postmortem examination the cause of death was cardiac arrest on account of electric current vide Ex.P-12. Thus it is undisputed that the deceased died an untimely death just on account of the rash and negligent act of the accused who drew hatched electric connection right from the pole and twitched the same to the fencing erected in the field which remained unattained too. Both the Courts below do not appear to have gone wrong while convicting and sentencing the deceased accused as described above.

5. There is no substance in this revision and being so it is hereby dismissed.

Sd/-

(Vimla Singh Kapoor)

Judge