

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 144 of 2007

Nagendra Panika S/o. Phagun Singh, Aged about 21 years, R/o.
Bendarchua, P.S. Pendra District Bilaspur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Police Station Pendra District
Bilaspur (C.G.)

---- Respondent

For Applicant : Mr. Yogendra Chaturvedi, Advocate.
For Respondent : Mr. Aman Kesharwani, PL

Hon'ble Smt. Justice Vimla Singh Kapoor

06.02.2019

This revision is directed against the judgment dated 20.03.2007 passed by the Additional Sessions Judge Pendraroad District Bilaspur, in Criminal Appeal No. 187 of 2006, affirming the judgment of conviction and order of sentence dated 31.10.2006 passed by the Judicial Magistrate, First Class, Pendraroad in Criminal Case No. 119/2006, convicting the accused/applicant under Section 304-A IPC and sentencing him to undergo RI for six months and to pay fine of Rs. 200/- plus default stipulation.

2. Facts of the case, in short, are that on 29.08.2004 the applicant driving the offending vehicle (Tractor with trolley) bearing registration No. CG 10A 0396 in a rash and negligent manner and dashed the motorcycle being ridden by complainant (PW-1) and pillion ridden by his mother, causing serious injuries to mother leading to her death on the way to hospital. After registration of offence vide FIR (ExP-2) and completion of investigation the charge sheet was filed against the accused/applicant.

3. Learned Magistrate having perused the material before it convicted the accused/applicant under Section 304-A IPC. In appeal the sentences of the above mentioned conviction has been affirmed. Hence, this revision.

4. Conviction is not being pressed on merit and the sole prayer made by the counsel for the applicant is confined to reduction of sentence imposed on the accused/applicant to the period already undergone on account of the fact that the case is quite old and the accused/applicant has already remained in jail for some time.

5. State counsel however, supports the findings recorded by the both the Courts below.

6. Heard learned counsel for the parties and perused the judgment impugned and the evidence available on record carefully.

7. From the statement of the (PW-1),(PW-2),(PW-3),(PW-4) it is proved that the applicant while driving the tractor with trolley bearing registration No. CG 10A 0396 in a rash and negligent manner and dashed the motorcycle being ridden by complainant (PW-1) and pillion ridden by his mother. It is also established from the statements of those witnesses that on account of the rash and negligent act of the accused/applicant deceased died on the way of hospital. Therefore, the findings of conviction recorded by both the Courts below appear to be fully justified. It is hereby maintained.

8. As regards sentence, keeping in view the fact that the incident had taken place in the year 2004, that the accused/applicant has already remained in jail for a period of 24 days and further that by now he must be leading a well settled life saddled with innumerable responsibilities, this Court thinks it proper to reduce the sentence imposed on him to the period already undergone. In lieu of this, the applicant however, would be required to pay an enhanced sum of fine of Rs. 3000/- from that of Rs. 200/-. Let this amount be deposited by the accused/applicant in the trial Court within a period of two months from today. Order accordingly.

9. With the above, the revision stands allowed in part.

Sd/-
(Vimla Singh Kapoor)
JUDGE