

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 114 of 2009

Jagan Gahne S/o. Shri Devnath, Aged about 24 years, R/o. Raosali, Police Station Arjuni, moregaon, District Gondia (Mahrastra)

---- Applicant

Versus

State of Chhattisgarh, Through Police Station Railway Police Force Post Korba, District Korba (C.G.)

---- Respondent

For Applicant : Mr. C.J. K. Rao, Advocate.
For Respondent : Ms. M. Asha, PL

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board

08.01.2019

By the judgment under challenge passed on 04.02.2009 by Sessions Judge Bilaspur, in Criminal Appeal No. 18 of 2009, the findings recorded by the learned Special Railway Magistrate Bilaspur, have been modified.

2. Facts of the case, in short, are that on 18.06.2005 Sub Inspector P. Tiwari of Police Station Railway Protection Force Korba received an information from Railway Track Inspector that Railway Level crossing situated at K.M. No. 697/20-22 was damaged by the truck driven by the accused/applicant rashly and negligently. On the basis of the complaint (Ex.P-8) offence

under Section 160(2) Indian Railway Act was registered against the applicant. After registration of offence and completion of investigation the charge sheet was filed against the accused/applicant.

3. Having considered the material on record the Court below has convicted the accused/applicant under Section 160(2) Indian Railway Act. Hence, this revision.

4. Counsel for the applicant submits that the Court below has committed an error in convicting and sentencing the accused/applicant as mentioned above though the evidence led by the prosecution was lacking and therefore, the same may be set aside.

5. State counsel however, supports the findings recorded by the Court 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 witnesses Sunil Kumar (PW-3) and Inspector P. Tiwari (PW-1), it is apparent that due to negligent driving of the truck the gate of the railway crossing was damaged by the applicant. Thus, his conviction is hereby maintained. Since the accused/applicant has also completed the jail sentence imposed upon him, nothing survives in this revision to be decided.

8. Accoridngly, the revision being without any force is hereby dismissed.

Sd/-
(Vimla Singh Kapoor)
JUDGE

Santosh