

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 523 of 2005

Vinod Ram S/o. Vishwanath Ram, aged about 40 years,
occupation Driver, R/o. Village Rajhara, P.S. Bishrampur, District
palamu Jharkhand,

---- Applicant

Versus

State of Chhattisgarh, Through District Magistrate, Ambikapur
District Sarguja (C.G.)

---- Respondent

For Applicant : Mr. Aditya Chopra, on behalf of
Mr. A.K. Prasad, Advocate.

For Respondent : Mr. I. Lakra, Dy. Govt. Advocate

Hon'ble Smt. Justice Vimla Singh Kapoor

01.02.2019

By the judgment under challenge passed on 02.12.2005 by
Additional Sessions Judge (FTC) Ramanujganj, in Criminal Appeal
No. 165 of 2004, the findings recorded by the learned Judicial
Magistrate First Class Ramanujganj, convicting the
accused/applicant under Sections 304-A IPC and sentencing him
to undergo RI for six months and to pay fine of Rs. 1000/- have
been affirmed.

2. Facts of the case, in short, are that FIR (Ex.P-2) was lodged
by the Complainant (PW-2) wherein it is alleged that on the date

of incident i.e. on 19.08.1999 he was waiting for bus to go to Balrampur Hospital for the treatment of his wife along with her mother-in-law. At about 10.30 AM, the applicant was driving a bus bearing registration No. B.R. 15 P 7171 with rash and negligence manner and hit Chameli Bai, as a result of which she fell down on the ground and died on the spot. After registration of offence 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 and sentenced him as above, which on appeal has been affirmed by the judgment impugned. 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), it is unflinchingly proved that the applicant while driving the bus bearing

registration No. B.R. 15- P 7171 with rash and negligence manner and hit Chameli Bai, who was going to Balrampur Hospital for the treatment of her daughter along with her son-in-law. It is also established from the statements of these witnesses that on account of rash and negligent act of the accused/applicant she fell down on the ground and died on the spot. The doctor (PW-5) also supported the case of the prosecution under Ex.P-5 stating the injuries leading to the out come of the accident. 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 1999, that the accused/applicant has already remained in jail for a period of 5 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. 1000/-. Let this amount be deposited by the accused/applicant in the trial Court within a period of three months from today. Order accordingly.

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

Sd/-

(Vimla Singh Kapoor)

JUDGE