

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 581 of 2010

Vicky @ Saurabh Jadhav S/o. Dilip Jadhav, Aged about 19 years,
R/o. Bramharoad Ambikapur, District Sarguja (CG)

---- **Applicant**

Versus

State of Chhattisgarh, Through the District Magistrate
Baikunthpur District Korla (CG)

---- **Respondent**

For Applicant : Mr. Arjit Tiwari, Advocate appears on
behalf of Mr. Shailendra Shukla, Advocate
For Respondent : Mr. Sameer Sharma, Dy. Govt. Advocate

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board on 16.12.2020

Case of the prosecution, in brief is that on 12.05.2009 Nathuni Singh Yadav - the deceased was sleeping outside of his house on a cot. At that time, the applicant came there by driving a sold scorpio in a rush and negligent manner and dashed the victim thereafter the wheels of the scorpio were passed over him and rammed into the house by braking the door, as a result of which, victim (Nathuni Singh Yadav) died on the spot. It is alleged that after the accident, the driver of the vehicle tried to escape from there and drove the scorpio for some distance but due to burst of tyre of the vehicle, report FIR (Ex.P-1) came to be lodged in police Station Baikunthpur. After registration of offence and completion of investigation the charge sheet was filed against the accused/applicant.

2. By the judgment dated 27.03.2010 learned trial Court convicted the accused/applicant under Section 304-A IPC and imposed the sentence of RI for one year and to pay fine of Rs. 1000/- pluse default stipulation. In appeal, the conviction recorded by the trial Court has been affirmed. Hence, this revision.

3. 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.

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

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

6. From the statement of the (PW-1),(PW-2),(PW-3),(PW-4) (PW-5) and (PW-15), it is clear that the applicant while driving the sold scorpio bearing chechis no. 92026359 with rash and negligence manner and passed over on the body of the victim and rammed into the house by braking the door, as a result of which the victim died on the spot. In the case at hand, the applicant has been found to be guilty of rush driving the vehicle on a public street and his act unfortunately resulted in loss of a precious human life. (PW-5) and (PW-6) are the eye-witness to the incident supported the case of the prosecution. 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 spot. Therefore, the findings of conviction recorded by both the Courts below appear to be fully justified. It is hereby maintained.

7. As regards sentence, keeping in view the fact that the incident had taken place in the year 2009, that the accused/applicant has already remained in jail for a period of 19 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 appellant however, would be required to pay an enhanced sum of fine of Rs. 5000/- from that of Rs. 1000/. Let this amount be deposited by the accused/appellant in the trial Court within a period of four months from today. Order accordingly.

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

Sd/-

(Vimla Singh Kapoor)

JUDGE