

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 548 of 2009

Lallu @ Sukhadev, aged 22 years, S/o. Shri Amol Singh, R/o.
Village Semana, Tahsil manendragarh, District Korea (CG)

----Applicant

Versus

State of Chhattisgarh through PS Chirmiri, District Korea (C.G.)

---- Respondent

For Applicant : Mr. Anand Kumar Gupta, Advocate
For Respondent/ State : Mr. Anand Verma, Dy. G. A.

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board passed on 04.12.2020

Certificate dated 06.05.2013 issued by Chhattisgarh Government shows that the accused/applicant died on 22.10.2013. Though the accused/applicant died during the pendency of this revision yet in the light of the order passed by the Hon'ble Apex Court in the matter of **Pranab Kumar Mitra vs. State of WB** reported in **AIR 1959 SC 144**, this Court proceeds to decide this case on its merits.

2. Case of the prosecution, in brief, is that on 27.11.2003 complainant/victim namely Jitendra Rai went to village Bachrapodo for election campaign of candidate namely Bhagwan Singh and the applicant was the driver of offending vehicle bearing no. CG 16-A/0177. It is alleged that when they were returning from the campaign, the applicant was driving the jeep in a rash or negligent manner and dashed the said jeep at

Dubchhola Ghat from the left side. As a result of which, the victim sustained injuries on his left foot, left hand and on the waist. It is further alleged after the accident the applicant left the jeep and the victim on the spot and fled from there. Thereafter, the victim was admitted in the Central Hospital Manendragarh for treatment. Subsequently, FIR (Ex.P-10) was registered under Sections 279 and 337 IPC against the applicant in Police Station. After usual investigation, challan was filed for the offence punishable 279,337, 338 IPC and 39/192,146/196,3/181 and 5/180 of the Motor Vehicle Act in the Court of Judicial Magistrate First Class, Manendragarh.

3. Having taken into consideration the material on record, the trial Court convicted the accused/applicant under Sections 279,338 IPC and 3/181 and 130/177 of the Motor Vehicle Act and sentenced him to fine of Rs. 1000/- u/s 279, SI for 6 months and to pay fine of Rs. 1000/- u/s 338 IPC and to pay fine of Rs. 100/- u/s. 130/177 and to pay fine of Rs. 100/- u/s. 130/177 of the Motor Vehicle Act plus default stipulations. On appeal, learned lower appellate Court has modified the same. Hence, this revision.

4. Learned counsel for the applicant submits that the order impugned being contrary to the evidence on record is liable to be set aside. Counsel for the respondent, however, supports the same.

5. Heard the State counsel and perused the evidence on record.

6. Jitendra Rai (PW-1) has stated that on the relevant date he was sitting in the offending vehicle which was driven by the applicant in a rush and negligent manner. He deposed that when the applicant was driving the vehicle in rush and negligent manner he tried to stop him but he did listen his request and dashed the offending vehicle from the left side at Dubchhola Ghat. As a result of which, he sustained injuries on his left foot, left hand and on the waist. He again deposed that he was taken to Manendragarh Hospital for treatment thereafter the report was lodged in Police Station. This witness has stated that the place of incident was a busy square. The accused was supposed to drive with due care and caution in such a crowded area. The applicant was driving the vehicle at a very high speed in a very rush area which is certainly rashness on the part of the applicant. The accident took place on account of his rash and negligent driving of the applicant. (PW-4) has stated that victim has received injuries on his foot and hands on account of the accident from the jeep. The statement of victim (PW-1) fully supported from the evidence of treating doctor (PW-2) who examined the victim and proved his report under Ex.P-1 to Ex. P-6 respectively.

7. After considering the evidence given by Jitendra Rai (PW-1) and various witnesses, including the FIR (Ex.P-/10) and various medical reports, it would be apparent that the applicant was driving the vehicle in a rash and negligent manner causing grievous injuries to the victim.

8. In overall view of the matter, conviction of the accused/applicant under Sections 279 and 338 IPC being based on the evidence collected by the prosecution does not suffer from any illegality or infirmity and it is maintained accordingly.

9. Revision therefore being without any substance is liable to be dismissed and it is dismissed as such.

Sd/-

(Vimla Singh Kapoor)
JUDGE

Santosh