

HONOURABLE JUSTICE G.SRI DEVI

CRIMINAL REVISION CASE No. 1275 of 2005

JUDGMENT:

The present Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C., questioning the judgment, dated 25.07.2005 passed in CrI.A.No.129 of 2004 on the file of the III Additional Sessions Judge, Warangal, confirming the conviction and sentence of simple imprisonment for a period of one year and fine of Rs.250/-, in default, simple imprisonment for one month for the offence under Section 304-A of I.P.C. imposed against the revision petitioner/accused in C.C.No.798 of 2000 by the Judicial First Class Magistrate, Jangaon, dated 30.07.2004.

It is the case of the prosecution that on 15.05.2000 at about 8.00 p.m., while one Yedula Krishna Reddy (hereinafter referred to as 'the deceased'), was coming on cycle on the main road of Cherial-Siddipet, the revision petitioner/accused, drove the Jeep bearing No.A.E.U.5000 at high speed in a rash and negligent manner and dashed against the cycle of the deceased. As a result of which, the deceased fell on the ground and died on the spot. Basing on the report lodged by P.W.1, Police, Cherial Police Station, registered a case in Crime No.43 of 2000

against the revision petitioner/accused for the offence punishable under Section 304-A of I.P.C. After completion of investigation, the police filed charge sheet against the accused, which was taken on file as C.C.No.798 of 2000. The accused was tried for the offence under Section 304-A of I.P.C.

The prosecution has examined PWs.1 to 8 and got marked Exs.P1 to P4 to prove the guilt of the accused. On behalf of the accused, no oral evidence was adduced, but Ex.D1, a portion in 161 Cr.P.C. statement of P.W.4, was marked.

On appraisal of the entire evidence, both oral and documentary, the trial Court found the revision petitioner/accused guilty of the offence under Section 304-A of I.P.C and accordingly convicted and sentenced the accused to undergo simple imprisonment for a period of one year and to pay a fine of Rs.250/-, in default, to suffer simple imprisonment for one month. Aggrieved by the said conviction and sentence, the revision petitioner/accused preferred CrI.A.No.129 of 2004 before the Court of the III-Additional District and Sessions Judge at Warangal. By its judgment, dated 25.07.2005, the learned Sessions Judge confirmed the conviction and sentence recorded by the trial Court. Challenging the same, the revision petitioner preferred this Criminal Revision.

None appears on behalf of the revision petitioner/accused. On previous occasion i.e., on 07.12.2019 also there was no representation on behalf of the revision petitioner/accused. Hence, heard learned Additional Public Prosecutor for the State and perused the record.

In the grounds of revision, it has been stated on behalf of the revision petitioner/accused that the Courts below failed to appreciate the evidence of P.Ws.1, 5 and 7 and came to a wrong conclusion that the revision petitioner/accused had committed the offence punishable under Section 304-A of I.P.C. It is also stated that the Investigating Officer was not examined, which resulted serious prejudice to the case of the revision petitioner/accused, but the same was not considered by the Courts below and further non-examination of the Investigating Officer is fatal to the prosecution case. It is further stated that the Court below ought to have seen that P.Ws.2 and 3 are not the real eye witnesses and their evidence did not prove the identity of the revision petitioner/accused as driver of the crime vehicle. It is also stated that no credence should be given to the evidence of the alleged eye witnesses, as they were not given the descriptive particulars of the revision petitioner/accused before the Investigating Officer.

Learned Additional Public Prosecutor would submit that there is no illegality or irregularity in the judgments of both the Courts below.

P.W.1, who is the wife of the deceased, was not the direct witness to the incident and she came to know about the accident through one of the villagers. Hence, her evidence is not useful to prove the manner of accident.

P.Ws.2 to 4, who are said to be the eye witnesses, deposed that on the date of incident while the deceased was proceeding on his cycle, a jeep came from his back side in high speed and dashed against him. Therefore, the deceased fell on the ground and died on the spot. The trial Court as well as the appellate Court has discussed the evidence on record and rightly concluded that the revision petitioner/accused was the driver of the Jeep at the time of accident and thereby believed the version of the prosecution in total. Even after re-appraisal of entire evidence by this Court in this revision, I find no inconsistency in the evidence of prosecution witnesses to establish the identity of the revision petitioner/accused coupled with the documentary evidence. On overall consideration of material on record, I find that the prosecution has proved that the accident occurred only due to the rash and

negligent driving of the revision petitioner/accused and thereby caused the death of the deceased. Therefore, I do not find any reason to interfere with the conviction and sentence recorded by the trial Court, which was confirmed by the appellate Court on any illegality or irregularity.

Accordingly, the Criminal Revision Case is dismissed, confirming the conviction and sentence passed against the revision petitioner/accused in the judgment dated 30.07.2004 in C.C.No.798 of 2000 on the file of the Judicial First Class Magistrate, Jangaon, which was confirmed in CrI.A.No.129 of 2004 on the file of the III Additional Sessions Judge, Warangal. The bail bonds of the revision petitioner/accused shall stand cancelled and the Magistrate concerned shall take immediate steps to apprehend the revision petitioner/accused by issuing N.B.W. to serve the remaining sentence of imprisonment. The Registry is directed to communicate a copy of this Judgment to the Magistrate concerned forthwith.

Miscellaneous petitions, if any, pending shall stand dismissed.

JUSTICE G.SRI DEVI

21-01-2020
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