

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 817 of 2008

Dashrath @ Ghurau, aged 28 years, S/o Shri Bhagirathi Ravat,
R/o. Village Narayanpur, P.S. Basna, Tahsil Basna, District
Mahasamund, CG.

---- Applicant

Versus

State of Chhattisgarh, through P.S. Basna, District Mahasamund,
CG, Incorrectly mention as through Collector District Mahasamund,
CG.

---- Respondent

For Applicant : Mr. Jameel Akhtar Lohani, Advocate.

For State/Respondent : Mr. Vikram Sharma, Dy. GA

Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board

31.03.2021

Modifying the judgment dated 19.06.2008 written by Judicial Magistrate First Class, learned lower appellate Court has convicted the accused/applicant under Section 337 (twice) and 304-A IPC, imposing the sentence of RI for three months u/s 337 IPC (twice) for causing injuries to two persons) and RI for one year under Section 304-A IPC for causing the death of Rolandas.

2. From the material collected by the prosecution it is manifest that on the date of incident the tractor bearing registration No. CG 06/7670 attached with trolley No. CG 06/7671 was driven by the accused/applicant in a rash or negligent manner, and on account of being driven at an excessively high speed it turned turtle. The said trolley was laden with wood beyond its capacity. On account of the tractor being turtled, Rolandas who was one of the occupants thereof died on the spot whereas Punitram (PW-2) and Itwaru (PW-1) suffered number of injuries on their body.

3. The material on record also shows that apart from being driven at a high speed, the accident occurred because of one other reason of the trolley being overloaded. This has been stated by almost all the important witnesses. The evidence of the doctor (PW-11) who conducted the postmortem examination on the body of the deceased as also medically examined the injured witnesses, corroborates the testimony of PW-1 and PW-2. According to the doctor, the deceased had suffered number of injuries and the facial bones and mandible bones had been fractured, and almost all the vital organs were filled with blood.

4. The aforesaid examination of the evidence indicates that the accident involving the life of one and injury to two had occurred on account of the offending vehicle being driven by the accused/applicant in a rash or negligent manner and therefore, the conviction of the accused/applicant as aforesaid does not, in any case, call for interference by this Court. It is therefore, maintained.

5. As regards sentence, keeping in mind the fact that the incident is quite old and that the accused/applicant has suffered a lot by facing the prosecution since 2008 and remaining inside for about two months, this court is of the considered opinion that the interest of justice would be served if the sentence imposed on the accused/applicant is reduced to the period already undergone. Order accordingly. However, in the interest of justice, the fine imposed on the applicant is enhanced to Rs. 5,000/-. The benefit of this order would be available to the accused/applicant only when he deposits the fine amount before the trial Court.

6. Revision is thus allowed in part.

Sd/-

(Vimla Singh Kapoor)

Judge