

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 670 of 2019

- R. Vikas Kumar Reddy, S/o Late Shri R. Mohan Reddy, Aged About 34 Years, R/o Near Sadafal Ashram, Bodhghat Colony, P.S. Jagdalpur, Tehsil Jagdalpur, District Bastar Chhattisgarh.Accused., District : Bastar(Jagdalpur), Chhattisgarh

---- Applicant/Petitioner

Versus

- State Of Chhattisgarh, through Collector, Tehsil Jagdalpur, District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Respondent

For Applicant/Petitioner – Shri Chetan Singh Chauhan, Advocate on behalf of Shri Ashish Surana, Advocate.

For State/Respondent – Shri Sudeep Verma, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15-12-2021

1. This criminal revision has been preferred against the judgment dated 27-02-2019 passed by the appellate Court, i.e., Court of Second Additional Sessions Judge, Jagdalpur, District Bastar (C.G.) in Criminal Appeal No.01/2019 by which the appeal of the applicant has been dismissed and the judgment of the trial Court dated 27-10-2018 was confirmed.

2. The JCB machine was involved in the accident when the same was being operated by the co-accused. The applicant was arrayed as an accused in the case for violation of the provisions under the Motor Vehicles Act, 1988 (in short 'the Act, 1988') for not having requisite registration, fitness and permit before using the machine for the work.

3. The learned trial Court convicted the applicant for offences under Section 39 read with Section 192, Section 56 read with Section 192 and Section 77 read with Section 177 of the Motor Vehicles Act and sentenced the applicant with fine sentence of Rs.2000/-, Rs.2000/- and Rs.100/- only with ordering default imprisonment. The appeal preferred has been dismissed by

the impugned judgment dated 27-02-2019.

4. It is submitted by learned counsel for the applicant that conviction against the applicant is erroneous and illegal. The prosecution has failed to bring any proof against the applicant for conviction of the offences mentioned hereinabove. Therefore, his conviction under the provisions of the Act, 1988 mentioned hereinabove is unsustainable.

5. The State counsel opposes the submission and submits that the learned trial Court and the appellate Court both have not committed any error in convicting the applicant for the offences mentioned hereinabove. This conviction is based on the evidence present in the record. Hence, the revision petition may be dismissed.

6. Considered on the submissions and perused the record.

7. In the prosecution witness, Investigating Officer Vinod Singh Thakur has given statement that the applicant was owner of the JCB machine and he was not in possession of the requisite documents for operation which are essential before the machine could be operated.

Another witness Kiran Kumar Reddy (PW-8) has also made statement that the applicant is the owner of the JCB machine which was seized by the police.

The applicant has himself examined as defence witness in which he has clearly made admission that he is the owner of the JCB machine which was seized in the criminal case. He has further admitted that the machine was not registered by the RTO, nor he has made any statement regarding the fitness certificate and the permit being available with him.

8. After considering on this evidence present, I am of this view that the learned trial Court as well as the appellate Court both have not committed any error in the judgments passed. There is no illegality, incorrectness and

impropriety in the impugned judgment and the judgment of the trial Court.
Accordingly, this criminal revision is dismissed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge