

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 651 of 2014

Ramgulam Sahu S/o. Bisoharam, Aged about 56 years, resident of village Bhaisatara, Police Station Rajim, Tehsil- Rajim, District Gariyaband (CG)

----Applicant

Versus

State of Chhattisgarh through Station House Officer, Rajim, District Gariyaband (CG)

---- Respondent

For Applicant : Mr. C.R. Sahu, Advocate
For Respondent/ State : Mr. Sameer Sharma, Dy. G. A.

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board passed on 22.01.2021

Case of the prosecution, in brief, is that complainant (PW-2) Dayasagar Banjare was working as labour on daily wage in the Electricity Department at village Kirvai and the applicant was also working with him in the same department. It is alleged that on the date of incident on 15.02.2010 at 12.00 PM, the applicant called the complainant and had asked him to climb up on the electric pole for maintenance and at the same time he told the other acquitted co-accused namely Rupesh Sahu to disconnect the supply of electricity pole, in which the complainant was to work. It is further alleged that when the complainant was removing the insulator, electric current was

flowing in the same line and he came into contact of the current, as a result of which he fell on the ground and sustained grievous injuries on his body. Thereafter, the complainant was admitted in the hospital for treatment. FIR (Ex.P-2) was registered against the applicant in police station. After completion of investigation, charge sheet was filed against the applicant under the same sections and the charge sheet was framed accordingly.

2. By the judgment dated 19.03.2014 learned trial Court convicted the accused/applicant under Section 338 IPC and imposed the sentence of RI for six months and to pay fine of Rs. 1000/- plus default stipulation. Learned lower appellate Court also confirmed the findings recorded by learned Magistrate in its entirety. Hence, this revision.

3. Counsel for the accused/applicant apart from vehemently arguing his case makes an alternative prayer that if his submissions do not yield any positive result on conviction part of the judgment impugned, keeping in mind the fact that the accused/applicant has already faced a lot for his misdeeds and remained inside for about one month, the sentence imposed on him may be reduced to the period already undergone.

4. State counsel however supports the judgment impugned and submits that the concurrent findings of fact recorded by

both the Courts below being well grounded and well founded do not call for any disturbance in these revisions.

5. Heard counsel for the parties and perused the evidence on record.

6. From the evidence of victim (PW-2) it is apparent that on the date of incident he climbed on the electric pole for carrying out the maintenance work. His evidence further goes to show that he had accompanied the accused/applicant in the capacity of helper and his only job was to assist the applicant in carrying out his maintenance job. However, in this case the accused/applicant made the victim climb on the pole in spite of the difficulties expressed by him. The victim tried to convince of his inexperience of carrying out the maintenance work but the accused/applicant did not listen to him and as a last resort he even put him under the threat of removal from the job in case he did not obey his instructions. The other difficulties expressed by the victim regarding not being well dressed up for doing the job also did not receive any positive response from the accused/applicant. Even the safety gloves were not made available to him by the accused/applicant as a precautionary measure. All this apart, PW-3, PW-4, PW-5, PW-6 and PW-7 are also the witnesses who had seen the complainant falling off the pole and receiving injuries and they

all have categorically supported the case of the prosecution. The evidence of the Doctors PW-8, PW-10 and PW-11 if given a composite look, go to show that number of injuries were suffered by the victim including the dislocation and fracture of spinal cord. In these circumstances, the gross negligence on the part of the accused/applicant in making the victim go on to the pole for carrying out the work which was not meant for him and then coming into the contact of live wire, falling off and sustaining number of injuries on various part of his body including damage and fracture of spinal cord making him remain hospitalized for 24 days, is as clear as a broad day light. The views recorded by the two courts below are fully well founded warranting no scope therewith for dislodgement thereof particularly with the conviction part of the judgment impugned. Accordingly, the involvement of the accused/applicant in the case in hand is clearly established. It is approved hereby as such.

7. However, looking to the fact that the incident had taken place in the year 2010 and thereby more than 11 years have passed by, and further that the accused/applicant has already remained inside about one month, this Court thinks it proper to reduce the sentence imposed on him to the period already undergone, so

that his already settled family life is not landed to crises. Order accordingly. Revision allowed in part.

Sd/-

(Vimla Singh Kapoor)
JUDGE

Jyotishi / Santosh54