

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL REVISION CASE No.1250 OF 2007

ORDER :

This Criminal Revision Case is filed by the petitioner-accused against the judgment dated 03.09.2007 in CrI.A.No.90 of 2006 on the file of the learned IV Additional Sessions Judge, Khammam, partly allowing the appeal by modifying the sentence of imprisonment in C.C.No.163 of 2004 on the file of learned Judicial First Class Magistrate Special Mobile Court, Khammam.

2. Heard. Perused the record.

3. A perusal of the record would reveal that the petitioner, who was a lorry driver, on 20.12.2003 while the deceased Sri Madava Mallaiah and other labourers were loading chilly bags into the lorry, the petitioner negligently drove the vehicle and dashed the deceased, who was removing the wooden log from the lorry, due to which, the deceased was crushed in between the wooden log and cement pillar of the building in the cold storage and sustained injuries. The eye witnesses of the accident i.e., PW-3 to

PW-5 and PW-9 stated that the death of the deceased occurred only on account of negligent driving on the part of the petitioner.

4. The learned counsel for the petitioner would submit that the petitioner was not responsible for the death of deceased and he was diligent in driving the vehicle. However, the accident occurred and, as such, the offence under Section 304-A I.P.C., is not made out.

5. A perusal of the record and the evidence of prosecution witnesses would disclose that the petitioner has driven the vehicle in negligent manner, resulting in the death of the deceased. Therefore, this Court is of the view that the concurrent findings of both the Courts below cannot be interfered with. However, keeping in view the fact that the accident occurred 20 years ago and also the undertaking given by the petitioner before this Court that he would pay an amount of Rs.50,000/- as compensation. The Magistrate concerned shall cause appearance of the petitioner and ensure that Rs.50,000/- is paid to Smt.Mandava Mangamma. In case the petitioner fails to pay an amount of Rs.50,000/- within two(02) months from the date of

this order, the petitioner shall be liable to undergo the remaining period of imprisonment.

6. Accordingly, the Criminal Revision Case is disposed of.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

K.SURENDER, J

01.12.2022
gms

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL REVISION CASE No.1250 OF 2007

Date: 01.12.2022

gms