

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.443 of 2023

Arising Out of PS. Case No.-29 Year-2008 Thana- AMARPUR District- Banka

KAMLESHWARI MANDAL Son of Umesh Mandal R/O Mohalla -
Golaghat, P.S.- Kotwali, District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Jyotish Kumar Son of Late Badri Sah R/o Village - Chhoti Chandpur, P.S.-
Sajour, District - Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ambrish Kumar Jha
For the Respondent/s	:	Mr.Sanjay Kumar Tiwary
For the State	:	Mr. Shyam Kr. Singh, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

7 29-04-2024 Heard learned counsel for the petitioner, learned
counsel for the opposite party no. 2 and learned APP for the
State.

2. This application has been filed against the order
dated 02.02.2023 passed in Cr. Appeal No. 34 of 2019 by which
the learned Sessions Judge, Banka has dismissed the appeal and
confirmed the judgment and order dated 23.07.2019 passed by
the Judicial Magistrate, 1st Class, Banka i.e. the order of
conviction of the petitioner under Section 304A. The sentence
of two years has been awarded.

3. Learned counsel for the petitioner, while arguing
the case has submitted that there are some infirmities in the



evidence of the witnesses and therefore, the petitioner deserved to be acquitted.

4. Learned APP for the State has opposed the application of the petitioner and has submitted that the petitioner has been convicted by the trial Court and the conviction has been affirmed by the Appellate Court. Both the Courts have considered the evidence against the petitioner and have sentenced him to undergo rigorous imprisonment.

5. During trial it has come that the petitioner was a driver of the tanker had hit the father and son in which the father died and the petitioner left the victims on road and ran away. The witnesses have supported the occurrence including the injured witnesses.

6. In the opinion of this Court, minor discrepancies in the evidence of the witnesses will not affect the case of the prosecution and the petitioner has not been able to point out any illegality in the impugned orders.

7. In view of the above discussion, this application stands dismissed.

(Sandeep Kumar, J)

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