2026:JHHC:28254

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No. 675 of 2017

Anil Singh @ Anil Kumar Singh, son of Late Sabran Singh @ Sobhraj Singh, resident of Village & P.O. – Tonatang, P.S. – Itkhori, District – Chatra (Jharkhand).

.... …. **Petitioner**

Versus

1. The State of Jharkhand
2. Ram Mukhi, son of Late Rameshwar Mukhi, resident of Sopodera, P.S. – Parsudih, District – East Singhbhum.

.... **Opp. Parties**

Coram: **HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA**

For the Petitioner : Mr. Pradeep Kumar Deomani, Advocate
For the State : Mr. Bishambhar Shastri, A.P.P.
For the O.P. No. 2 : None.

JUDGMENT

CAV On Dated- 25.08.2026 **Pronounced On -17.09.2026**

1. Heard learned counsel for the petitioner as well as learned Additional P.P. for the State. However, nobody appeared on behalf of the opposite party no. 2, inspite of valid service of notice.

2. The present criminal revision is directed against the judgment dated 06.02.2017 passed by learned Additional Sessions Judge-IV, Jamshedpur in Criminal Appeal No. 316 of 2012, whereby and whereunder the appeal preferred by the petitioner has dismissed by affirming the judgment of conviction and order of sentence dated 19.10.2012 passed by the learned Judicial Magistrate, 1st Class, Jamshedpur in G.R. No. 2197/2002 / T.R. No. 102/2012, whereby

the petitioner has been convicted under Sections 279, 337, 304-A of the Indian Penal Code and sentenced to undergo rigorous imprisonment for six months and pay fine of Rs. 1,000/- under Section 279 of the I.P.C., rigorous imprisonment for six months under Section 337 of I.P.C. and rigorous imprisonment for two years along with fine of Rs. 5,000/- for the offence under Section 304-A of I.P.C. with default stipulation. All the sentences were directed to run concurrently.

3. The factual matrix of the case giving rise to this revision is that on 05.11.2002 at about 1:30 P.M. the Maruti Van No. WE-02C-2692 was dashed by Tanker No. BR-2H-4057 coming from opposite direction due to rash and negligent driving of its driver. The informant Ram Mukhi was behind the Maruti Van coming by his Hero Honda Splendor Motorcycle No. WB-01G-0120. The van was destroyed. Rameshwar Mukhi, Tuklu Mukhi (driver of Van), Rina Mukhi, Manisha Sandil expired and other passenger i.e. Balwati Devi, Chinkiri Devi, Sudhir Mukhi, Sanjay Mukhi, Laxmi Sandil, Resma Sandil became seriously injured.

4. Accordingly, on the fardbeyan of informant Ram Mukhi, Potka P.S. Case No. 74 of 2002 dated 05.11.2002 was registered against unknown driver of tanker No. BR-2H-4057 for the offences under Sections 279, 337, 338, 304A of I.P.C.

5. After investigation, charge sheet was submitted against the appellant for the aforesaid offences and accordingly, cognizance of the offence was taken against him. Thereafter, charge for the offences under Sections 279, 337, 338, 304A of I.P.C. has been framed against the appellant, to which he pleaded not guilty and claimed to be tried.

6. After conclusion of trial, petitioner was held guilty for the offence under Sections 279, 337, 304A of I.P.C. and sentenced, as stated above.

7. The judgment of conviction and order of sentence of petitioner was challenged in Criminal Appeal No. 316 of 2012 before the learned Additional Sessions Judge-IV, Jamshedpur, which was dismissed vide judgment dated 06.02.2017, whereby the judgment of conviction and sentence of the petitioner passed by the learned trial court has affirmed, which has been assailed in this revision.

8. Learned counsel for the petitioner has argued that none of the courts below have properly appreciated the materials available on record before convicting the petitioner for the offence under Sections 279, 337 and 304-A of the I.P.C. It is further submitted that the petitioner was neither arrested at the place of occurrence nor named in the F.I.R. It is further submitted that no T.I.P. was conducted. It is also submitted that the injury report and post-

mortem report has not been proved in this case. It is further submitted that although in this occurrence, six persons have died, but the occurrence took place due to rash and negligent driving of Maruti Van driver not the driver of Tanker. Therefore, the impugned judgment of conviction passed by the learned trial court and upheld by the appellate court is perverse. Hence, this revision may be allowed by setting aside the impugned judgments and order passed by the learned trial court as well as appellate court.

9. On the other hand, learned Additional Public Prosecutor has vehemently opposed the aforesaid contentions raised on behalf of the petitioner and submitted that there are concurrent findings of both the courts below. Both the courts below have very wisely and aptly analyzed, scanned and appreciated the oral as well as documentary evidences available on record and arrived at right conclusion holding the petitioner guilty for the offence charged against him and adequately passed the order of sentence, which warrants no interference by this Court. The present criminal revision is devoid of merit and fit to be dismissed.

10. I have given anxious consideration to the rival contentions of the parties and also perused the impugned judgments and order along with other materials available on record.

11. On a perusal of the records, it appears that P.W.7 is the eye witness of the occurrence and at the time of the accident, he was

behind the Maruti Van, which was dashed by offending Tanker, which was being driven rashly and negligently. P.W.-2, P.W.-3, P.W.-4 are the injured persons in the accident and corroborated the prosecution story. The date of the accident and the driver who drove the vehicle at the time of accident are not disputed. The witnesses have clearly spoken that the accident was due to rash and negligent driving of the appellant and the other material evidence also shows that the accident was caused by the appellant due to rash and negligent driving. Due to that accident, six persons were succumbed to death and some persons have sustained injuries. Both the courts have categorically discussed these aspects and rightly found the petitioner guilty for the offence punishable under sections 279, 337 and 304(A) of the I.P.C. and convicted and sentenced him, as stated above.

12. In view of the above, this Court cannot interfere with the well-considered judgment of the Courts below. There is no perversity or illegality in the order passed by the Courts below. The evidence clearly shows that the accused/petitioner has committed the offence under Sections 279, 337 and 304(A) of the I.P.C. Therefore, the present Criminal Revision fails and is **dismissed**.

13. The petitioner is on bail. His bail bond is hereby cancelled.

14. The petitioner is directed to surrender before the concerned Trial Court within two months from the date of this judgment and

receive the remaining period of sentence awarded by the learned trial court, failing which, the learned trial court shall take all coercive steps in securing the attendance of the petitioner and sending him under proper conviction warrant to jail custody for undergoing the remaining period of sentence awarded to him.

15. Pending I.A., if any, stand disposed of.

16. Let a copy of this judgment along with trial court record be sent to the concerned trial court for information and needful.

(Pradeep Kumar Srivastava, J.)

Jharkhand High Court, Ranchi
Dated : 17/09/2026
Sunil/-NAFR
Uploaded on 18/09/2026