State of H.P. vs. Rajinder Thapa

Cr.M.P(M) No. 1675 of 2026

Reserved on:14.10.2026

30.10.2026 Present: Mr Jitender Sharma, Additional Advocate General, for the petitioner.

The applicant/appellant has filed the present application seeking leave to appeal against the judgment of acquittal dated 30.05.2025, passed by the learned Additional Chief Judicial Magistrate Court No. 1, Paonta Sahib District Sirmour, H.P. (learned Trial Court) vide which the respondent (accused before the learned trial Court) was acquitted of the commission of offences punishable under Sections 279 and 304A of the Indian Penal Code (IPC). It has been asserted that the learned trial Court misinterpreted the evidence and acquitted the accused based on minor contradictions. Conductor Nazakat Ali had supported the prosecution case after he was declared hostile. The State has an arguable case in its favour. Therefore, it was prayed that the present application be allowed and the leave to appeal be granted.

2. The notice of the application was served upon the respondent/accused, but he did not appear.

3. Mr Jitender Sharma, learned Additional Advocate General for the applicant/appellant, submitted that the learned trial Court had taken an unreasonable view of the matter. The prosecution witnesses had supported the prosecution case, but the statements of the witnesses were discarded on minor contradictions. The State has an arguable case in its favour. Therefore, he prayed that leave to appeal be granted.

4. I have given considerable thought to the submissions made at the Bar and have gone through the records carefully.

5. As per the prosecution, the accused was a driver of the bus bearing Registration No. HP-15A-2795. He stopped the bus outside the informant's shop and said that the bus had some problem with the ignition switch. The informant directed Intzar Ali to go beneath the bus to measure the length of the wire. Intezar Ali went beneath the bus, but the accused started the bus and crushed Intezar Ali’s head under the front tyre.

6. Learned trial Court acquitted the accused on the ground of some contradictions between the testimony on oath and contents of the charge sheet. The record shows that the accused had not disputed in his statement recorded under Section 313 of CrPC that he was driving the bus. He claimed that he was not aware of the fact that Intzar Ali was measuring the wire under the bus and the conductor had blown the whistle. Hence, the deceased being underneath the bus was not in dispute, and *prima facie* it is doubtful that acquittal could have been recorded merely because of some contradictions in the statement of a witness vis-à-vis the charge sheet.

7. In view of the above, there are arguable points involved in the present appeal. Hence, the present application is allowed and leave to appeal is granted. The application stands disposed of.

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8. Leave to appeal has been granted as per order passed in Cr.MP(M) No. 1675 of 2026.

9. Issue notice to the respondent, returnable within 4 weeks, on taking steps within a period of one week.

10. The respondent/accused is directed to furnish personal and surety bonds in the sum of ₹25,000/- each to the satisfaction of the learned trial Court/learned Additional Registrar (Judicial) of this Court within four weeks of his service, undertaking to appear before this Court as and when directed to do so and surrender before the learned trial Court in case of acceptance of the appeal.

11. The learned Trial Court is directed to transmit the bonds, so furnished by the accused, for placing them on record.

12. List the matter for hearing in due course.

(Rakesh Kainthla)
Judge

30th October, 2026.
(Ravinder)