



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Judgment Reserved on: 18.05.2026

Judgment Delivered on: 29.05.2026

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CRL.REV.P. 50/2015

JAGBIR SINGH

.....Petitioner

versus

STATE

.....Respondent

Memo of Appearance

For the Petitioner: Mr. K.K. Manan, Sr. Advocate with Mr. K.S. Chaudhary, Ms. Yakshi Kataria, Mr. Ankur Rana and Ms. Rishika Ahuja, Advocates.

For the Respondent: Ms. Priyanka Dalal, APP for the State with SI Nishant Kaushal, PS Kashmere Gate.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT

MANOJ JAIN, J

1. It needs to be seen whether revisionist, while driving a bus in a rash or negligent manner, hit a *Tonga* (Horse-Cart) and thereby, caused death of *Tonga Wala* (Horse-Cart Driver) and injuries to the passengers sitting in such *Tonga*.
2. Megh Singh (deceased herein) used to ply a *Tonga*.
3. On night intervening 14.05.2001 and 15.05.2001, he picked up seven passengers from ISBT Kashmere Gate. These included Mohd. Shamshad Alam (PW-14) and his two co-villagers Mohd. Ikram (PW-15) and Mohd. Mumtaz (PW-3); Ashok Kumar (PW-6), Madan Kumar (PW-5) and Parsuram Pal (PW-9).
4. He was taking them to Old Delhi Railway Station.
5. At about 3:00 A.M, when his *Tonga* reached Subhash Road near Minerva Cinema, a DTC bus bearing number DL 1P 8911 driven by accused



Jagbir Singh (revisionist herein) came from the opposite side at a very fast speed and in a rash or negligent manner and hit his *Tonga*.

6. Due to the impact of the collision, the *Tonga* got dragged to some distance. *Tonga* Driver and the passengers travelling in *Tonga* got injuries in the abovesaid accident. PCR was informed which rushed them to hospital.

7. The bus driver, however, remained at the spot, even after the accident and was arrested from there only.

8. Necessary investigation was carried out.

9. *Tonga*, as well as the offending bus, were seized.

10. The mechanical inspection of the bus was got carried out.

11. *Tonga* was released on *superdari* to its owner Karan Singh (PW-4).

12. *Tonga* driver-Megh Singh succumbed to his injuries whereas Parsuram Pal Lal received grievous injuries. Ashok Kumar, Mumtaz Alam, Mohd. Ikram and Madan Kumar received simple injuries.

13. After completion of necessary investigation, charge-sheet was filed.

14. Accused was charged for commission of offences under sections 279/337/338/304A IPC, to which he pleaded not guilty and claimed trial.

15. Prosecution examined 23 witnesses, in all.

16. Accused, in his statement under Section 313 Cr.P.C., admitted that he was on the steering wheel of the DTC Bus in question but supplemented that he was driving the bus properly and was neither rash nor negligent. He claimed that he was on left side of the road and was going towards ISBT and that it was the *Tonga* which dashed into his bus, while coming from the opposite side

17. Learned Trial Court, *vide* judgment dated 19.09.2014, held the bus-driver guilty for the accident in question. It, though, did note few variances



amongst the statements of several injured persons but came to the conclusion that these were minor in nature and were not touching any material aspect of the case.

18. Learned Trial Court heard arguments on sentence and *vide* order dated 14.10.2014 sentenced the bus driver as under: -

Section(s)	Imprisonment
279 IPC	SI for one month
337 IPC	SI for 3 months
304A IPC	SI for 6 months

19. All the substantive sentences were directed to run concurrently.

20. It would also be worthwhile to mention here that convict was also directed to pay compensation of Rs. 20,000/- each to injured Parsuram, Madan Kumar, Mohd. Ikram and Mumtaz Alam. Learned Trial Court also ordered that in default of payment of compensation, the accused shall undergo simple imprisonment for a period of one month. It also took note of the fact that the legal representatives of the deceased *Tonga Wala* i.e. Mr. Megh Singh had already received compensation in the claim proceedings initiated under *Motor Accident Claim Tribunal Act* and since despite notice sent to them, nobody appeared, it was presumed that they were not interested in further compensation. Similarly, no compensation was given to injured-Ashok Kumar as there was no appearance from his side, despite service.

21. Feeling aggrieved, accused filed an appeal i.e. CRL.A. 53/2014 before learned Sessions Court and his such appeal has also been dismissed on 05.01.2015. The order of the learned Appellate Court would indicate that it



considered all the aspects in a comprehensive manner and found that there was nothing on record which may support the *plea* of the defence. Before the learned Appellate Court also, the defence had come up with the contention that the *Tonga* itself had hit against the bus as the horse had become frightened. It was agitated that there was no negligence on the part of the driver. Learned Appellate Court, after careful perusal of the testimony of the eye-witnesses and appreciating the site plan, came to the conclusion that the prosecution successfully established that at the time of the accident, the accused was driving the bus in a rash and negligent manner and affirmed the order of conviction and order of sentence passed by the learned Trial Court. It, accordingly, directed the accused to be taken into custody to serve the sentence.

22. The present revision petition takes exception to the abovesaid judgment dated 05.01.2015.

23. Mr. K. K. Manan, learned Senior counsel for the accused/revisionist contends that there is not even an *iota* of evidence on record which may indicate any rashness or negligence on the part of the bus driver. He, while acknowledging that the accused was driving the offending bus at the relevant time, supplements that he was neither rash/negligent nor driving at a fast speed. According to him, the horse got separated from *Tonga* and, therefore, there was '*accidental collision*' between the *Tonga* and the bus. He submits that there is nothing on record which may indicate that the horse got received any injuries in the abovesaid accident which also goes on to show that the accident did not take place in the manner, projected by the prosecution. He submits that the bus was at a regular speed and, therefore, there were 'no skid marks' on the road and since *Tonga* was to cross the



road to go towards Old Delhi Railway Station, the horse had gone berserk and got detached from the cart and, in such a situation, the accident could not have been attributed to the bus driver. He also asserts that the testimony of the eye-witnesses/injured does not inspire enough of confidence as they have not supported one another on material aspects of the case. He also contends that the passengers of the *Tonga*, who were sitting in the rear, were, even otherwise, in no position to narrate the manner in which the accident had taken place and, therefore, it is a fit case where conviction needs to be set aside. Mr. Manan also supplements that in case, the conviction is affirmed by this Court, keeping in mind his clean antecedents, period of custody, age and overall facts of the case, he should be let off on such undergone sentence only.

24. Ms. Priyanka Dalal, learned APP for State, on the other hand, submits that the evidence of the public witnesses is trustworthy and they all have supported the case of prosecution and have proved the rashness on the part of the bus driver who, while driving at a fast speed, hit the *Tonga*. She submits that even the site plan would demonstrate the rashness or negligence on the part of the bus driver. She submits that, merely, because the Investigating Agency did not collect any proof of the skid marks would not mean that the bus was not being driven at a fast speed. She submits that even if, the horse had not received any injury, it would not, in itself, indicate that the bus driver was not responsible for the accident. She submits that accident had taken place on the lane on which the *Tonga* should have been there i.e. on the left side of the *Tonga* and, clearly, it was the bus which had come on to the wrong side and rammed into the *Tonga*. She submits that after the



accident, the *Tonga* was dragged to a considerable distance which also indicates that the bus was being driven at a fast speed.

25. This Court is mindful of the fact that the accused has been held guilty by the learned Trial Court as well as by the learned First Appellate Court.

26. The role of the Revisional Court is limited to evaluate the correctness, legality and propriety of the impugned judgment. It is no longer *res integra* that Revisional Jurisdiction can only be invoked where the decision under challenge is grossly erroneous and the finding of guilt is based on ‘no evidence’. It can also be exercised where material evidence is ignored or the order depicts arbitrariness or perversity. Thus, the scope of interference, while exercising Revisional Jurisdictional, is perceptible and the findings can be upset only when the impugned order is manifestly perverse or completely arbitrary or untenable in law or patently illegal or clearly indicative of miscarriage of justice. Reference be made to *State of Kerala v. Puttumana Illath Jathavedan Namboodiri*:(1999) 2 SCC 452 wherein it has been held as under: -

“5. In its revisional jurisdiction, the High Court can call for and examine the record of any proceedings for the purpose of satisfying itself as to the correctness, legality or propriety of any finding, sentence or order. In other words, the jurisdiction is one of supervisory jurisdiction exercised by the High Court for correcting miscarriage of justice. But the said revisional power cannot be equated with the power of an appellate court nor can it be treated even as a second appellate jurisdiction. Ordinarily, therefore, it would not be appropriate for the High Court to reappraise the evidence and come to its own conclusion on the same when the evidence has already been appreciated by the Magistrate as well as the Sessions Judge in appeal, unless any glaring feature is brought to the notice of the High Court which would otherwise tantamount to gross miscarriage of justice....”

(emphasis supplied)

27. In *Amit Kapur vs. Ramesh Chander and Anr.*: (2012) 9 SCC 460, it has been observed as under:-



“12. Section 397 of the Code vests the court with the power to call for and examine the records of an inferior court for the purposes of satisfying itself as to the legality and regularity of any proceedings or order made in a case. The object of this provision is to set right a patent defect or an error of jurisdiction or law. There has to be a well-founded error and it may not be appropriate for the court to scrutinise the orders, which upon the face of it bears a token of careful consideration and appear to be in accordance with law. If one looks into the various judgments of this Court, it emerges that the revisional jurisdiction can be invoked where the decisions under challenge are grossly erroneous, there is no compliance with the provisions of law, the finding recorded is based on no evidence, material evidence is ignored or judicial discretion is exercised arbitrarily or perversely. These are not exhaustive classes, but are merely indicative. Each case would have to be determined on its own merits.

*13. Another well-accepted norm is that the revisional jurisdiction of the higher court is a very limited one and cannot be exercised in a routine manner. One of the inbuilt restrictions is that it should not be against an interim or interlocutory order. **The Court has to keep in mind that the exercise of revisional jurisdiction itself should not lead to injustice ex facie...***

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18. ...Basically, the power is required to be exercised so that justice is done and there is no abuse of power by the court. Merely an apprehension or suspicion of the same would not be a sufficient ground for interference in such cases.

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*20. The jurisdiction of the court under Section 397 can be exercised so as to examine the correctness, legality or propriety of an order passed by the trial court or the inferior court, as the case may be. Though the section does not specifically use the expression “prevent abuse of process of any court or otherwise to secure the ends of justice”, the jurisdiction under Section 397 is a very limited one. The legality, propriety or correctness of an order passed by a court is the very foundation of exercise of jurisdiction under Section 397 but ultimately it also requires justice to be done. **The jurisdiction could be exercised where there is palpable error, noncompliance with the provisions of law, the decision is completely erroneous or where the judicial discretion is exercised arbitrarily...***

(emphasis supplied)

28. There is no dispute that the revisionist was driving the offending bus at the relevant time.

29. There is also no dispute that there was a collision between the bus and



Tonga.

30. There is also no dispute that on account of such collision and accident, the *Tonga Driver* died and few passengers received injuries.

31. The only aspect which needs to be assessed is whether the accident is on account of rash or negligent driving of the revisionist or it is because of the fact that the horse detached from the *Tonga* and, therefore, the *Tonga* dashed into the bus.

32. PW-3 Mumtaz has, categorically, deposed that he had boarded *Tonga* from ISBT to go to Old Delhi Railway Station and he was sitting on the front seat of the *Tonga* and at about 3:00 A.M. when their *Tonga* reached near Minerva Cinema, a DTC bus No. DL 1P 8911 hit their *Tonga*. He deposed that their *Tonga* was going on the correct side but the driver of the offending bus was driving the bus in a strange manner and in a *zig-zag* manner. The exact words used by him are to the effect that the bus was being driven in *ajeeb type/ulta pulta*. He, in his cross-examination, also deposed that the bus was being driven at a very speed and that he had seen the bus coming from a distance of around 10-12 paces. It was suggested to him that the horse got frightened and ran away while leaving the *Tonga* behind but he labelled such suggestion as incorrect.

33. PW-5 Madan Kumar has also deposed that the bus had been hit from *Tonga* from front side. He, though, could not give any reason as to who was at fault for the abovesaid accident but in his cross-examination, he claimed that the bus was at a high speed. He, though, admitted that he was sitting on the rear but supplemented that his face was towards the horse. He denied the suggestion that the accident had taken place due to negligence of the *Tonga* driver.



34. PW-6 Ashok Kumar also deposed that the accident was caused due to fault on the part of the bus driver and that their *Tonga* was on the left side of the road.

35. PW-14 Mohd. Shamshad Alam, on the basis of whose complaint the FIR had been registered has also deposed that the DTC bus came from the front side and hit *Tonga* and the accused was driving the bus at a very high speed and rash or negligent manner. He deposed that he had apprehended the accused at the spot and handed him to the Police. He has also proved his statement as Ex PW-13/A and has proved the various prosecution documents, including seizure memos, photographs and site plan. In his cross-examination, he did admit that he had not seen any skid marks of the tyres on the spot but reiterated that the bus was coming at a high speed and hit the *Tonga* from the front side. He also deposed that he could not say anything about the horse as it had run away from the spot. He, however, denied the suggestion that the horse got frightened and, therefore, ran after leaving the *Tonga* behind.

36. PW-15 Mohd. Ikram also denied suggestion that the horse of the *Tonga* got frightened and ran away while leaving the *Tonga* behind.

37. Admittedly, PW-9 Parshuram Pal did not support the case of prosecution, though he did claim that there was an accident between the bus and *Tonga* in which he was travelling at the relevant time.

38. The site plan has been proved as EX-PW-13/E and it clearly indicates the point of collision between the bus and the *Tonga* and such point of collision would visibly demonstrate that at the time of time accident, the *Tonga* was in the correct lane and it was rather the offending bus, which while coming from the front side, entered the wrong lane and hit the *Tonga*



and then dragged it to a considerable distance.

39. The site plan, which also holds the key, is in synchronisation with the testimony of the injured persons and passengers. All such material eye-witnesses have, categorically, claimed that the *Tonga* was in the correct lane and the bus, while coming from the opposite side, hit the *Tonga*. Merely because the skid marks were not captured in the photographs or because of the fact that the horse escaped unhurt, it cannot be, automatically, assumed that there was no rashness or negligence on the part of the bus driver. Fact remains that the overwhelming evidence of the material public witnesses clearly indicts the accused.

40. The accused seems to rely upon the testimony of conductor and his one colleague.

41. The conductor- Sukhvir Singh (PW-21) of the bus entered into witness box as a prosecution witness and deposed that when their bus was going towards ISBT, Kashmere Gate the accused applied urgent emergency breaks, due to which the bus had collided with the *Tonga*. In this deposition, he did not say anything further and when he was cross-examined by the prosecution with the permission of the Court, he denied the statement which he had made during the investigation. Fact remains that he did not elaborate as to why the accused had to apply emergency brakes. He also does not know as to how the accident had taken place, as he, it appears, did not himself see the accident happening. He has also not elaborated about his own position in the bus at the relevant time.

42. DW-1 Dineshwar Rai is colleague of accused and he deposed that he was travelling in the same bus at the relevant time and that the horse got separated from the cart which resulted into the abovesaid accident. If at all,



he had witnessed the accident, he should have immediately contacted the IO. There is no suggestion to the concerned IO i.e. Inspector Surender Kumar that any such witness had never contacted him and despite that, he did not record his statement.

43. Be that as it may, fact remains that, though, this Court is not required to re-appreciate the entire evidence, the Court has gone through the same merely to re-assure itself that the findings returned by the courts below are in conformity with the deposition. The site plan, photographs and mechanical inspection report are also in synchronization with the ocular evidence. Both the Courts have, very appropriately, appreciated the material on record and the conviction is based on proper appreciation of evidence and, therefore, revisionist has failed to make out any case which may warrant any interference as there is no perversity, much less a glaring one.

44. *The order on conviction is, thus, maintained.*

45. As regards sentence, this Court cannot be oblivious of the fact that the incident is of the year 2001. There is nothing on record to indicate that the revisionist was involved in any other accident or misconduct, during all these years. He is in late fifties, with clean antecedents. Moreover, after the accident, he did not flee away. He rather remained at the spot and was arrested, then and there. The maximum sentence is of six months S.I. and he has already undergone substantial period behind the bars. His jail-conduct, as per Nominal Roll is found to be satisfactory. Keeping in mind the above, the sentence is, hereby, reduced to the period already undergone.

46. However, as per Nominal Roll, the Revisionist does not seem to have deposited the compensation amount with the learned Trial Court. The total compensation amount is Rs.80,000/- which is to be given in equal



proportions to the four injured persons. Ideally, such amount should have been deposited by him immediately. It has not been done so, ostensibly, for the reason that his sentence was suspended by this Court on 17.03.2015.

47. *Be that as it may, the revisionist is, now, directed to deposit double the compensation amount i.e. a sum of Rs.1,60,000/- with the learned Trial Court within 10 days from today. His failure to do so shall invite simple imprisonment for 30 days.* Let each of the injured, as per order on sentence, be paid Rs.40,000/- as compensation. If they are no longer available, the amount shall stand forfeited to the State. However, if they are, unfortunately, not alive, it shall go to their legal representatives, after due verification. It is, however, clarified that in case it is found that revisionist had already deposited the compensation amount in the year 2015, the original compensation amount, which was of Rs.80,000/-, shall remain unaltered.

48. *The order on sentence stands modified in aforesaid terms.*

49. The Revisionist shall appear before the learned Trial Court/ Successor Court on 08.06.2026 at 2.00 P.M.

50. Petition stands disposed of in aforesaid terms.

51. A copy of this order be provided to Revisionist, free of cost, under the signatures of Court-Master.

52. A copy be also transmitted to learned Trial Court for information and compliance.

(MANOJ JAIN)
JUDGE

May 29, 2026/sw/sa