

**Satish Vs. the State of Madhya Pradesh**

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**SooperKanoon Citation :** [sooperkanoon.com/1093383](http://sooperkanoon.com/1093383)

**Court :** Madhya Pradesh

**Decided On :** Oct-09-2013

**Appellant :** Satish

**Respondent :** The State of Madhya Pradesh

**Judgement :**

HIGH COURT OF MADHYA PRADESH AT JABALPUR Criminal Revision No.1813/2013 Petitioner : Satish S/o Jugal Kishore Kori Vs. Respondent : The State of Madhya Pradesh Present: Hon. Shri B.D.Rathi  
----- For  
petitioner : Shri D.K.Soni, Advocate For the respondent : Shri S.K.Kashyap, Govt.  
Advocate -----

**ORDER**

(9/10/13) This revision petition has been preferred against the judgment dated 8/8/2013 passed by I Additional Sessions Judge, Narsinghpur in Cr.A. No.93/2012 whereby the judgment dated 8/5/12 passed by Judicial Magistrate First Class, Narsinghpur, in Criminal Case No.798/2007 convicting the petitioner under Section 279 and 304A of the IPC and, in view of Section 71 of IPC, sentencing him only under Section 304A only to undergo R.I. for 1 year and to pay a fine of Rs.500/-, was affirmed.

2. Prosecution case, in brief, is that on 2/3/07, at about 6.30 p.m., Dumper No.CIK-8597 rashly and negligently driven by the petitioner dashed into Motorcycle

No.MP-49-B-5968, resulting into death of Shankar Singh and his wife Raja Bai.

3. At the outset, learned counsel for the petitioner submitted that he does not want to challenge the convictions awarded to the petitioner. However, he prayed that the custodial sentence passed against the petitioner may be reduced to the period already undergone with suitable enhancement in the fine amount. According to him, the petitioner is in jail since 8/8/13.

4. In response, learned Government Advocate while making reference to the incriminating pieces of evidence on record, submitted that the conviction was well merited and the impugned judgment did not warrant interference. 2 Cr.R. No.1813/2013 5. Having regard to the arguments advanced by the parties, perused the impugned judgment.

6. As the convictions are not under challenge, adverting to the question of sentence, it is apparent from the record that the incident took place, as early as, in the year 2007 and since then the petitioner has faced the prosecution and suffered the ordeal of trial and appeal for a considerable period of more than five years. Taking into consideration facts and circumstances of the case including the fact that at the relevant point of time petitioner was aged about 27 years having no criminal antecedents and also that possibility of the accident due to some mechanical fault in the petitioners vehicle could not be ruled out in view of the evidence discussed in paragraph 21 of the appellate judgment, interests of justice would be met if the term of custodial sentence is reduced to a period of nine months and fine amount is enhanced to Rs.5000/-. Though, the conviction under Section 304A of the IPC ought to have been on two counts, yet, as the same has not been challenged by the prosecution, it is not considered in this revision.

7. In view of the aforesaid, impugned convictions are maintained. However, the impugned term of custodial sentence is reduced to a period of nine months and the fine amount is enhanced to Rs.5000/- (Rupees five thousand only).

8. In the result, the revision stands allowed in part.

9. Copy of the order be sent to the trial Court for information and compliance. (B. D. RATHI) JUDGE910/13 (and)

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