

Narendra Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Oct-09-2013

Appellant : Narendra

Respondent : The State of Madhya Pradesh

Judgement :

HIGH COURT OF MADHYA PRADESH AT JABALPUR Criminal Revision No.1789/2013 Petitioner : Narendra s/o Babara Harijan aged aobut 28 years, r/o Village Lalkheda P.S. Bhikangaon District-Khargon M.P. Vs. Respondent : The State of Madhya Pradesh Present: Hon. Shri B.D.Rathi
----- For
petitioner : Shri Sudhir Mishra, Advocate For the respondent : Shri S.K. Kashyap,
Govt. Advocate

ORDER

(9/10/13) This revision petition has been preferred against the judgment dated 24.8.2013 passed by IV Additional Sessions Judge, Khandwa in Cr.A. No.76/13 whereby the judgment dated 7/3/2013 passed by Judicial Magistrate First Class, Khandwa in Criminal Case No.1176/2008 convicting the petitioner under Sections 279, 337 and 304-A of the Indian Penal Code and sentencing him respectively to undergo R.I. for 3 months and to pay a fine of Rs.200/-; R.I. for 3 months and to pay a fine of Rs.400/- and R.I. for 1 year and to pay a fine of Rs.500/-, was affirmed.

2. Prosecution case, in brief, is that on 13/3/2008 Cluiser Vehicle M.P.09-S-9564, being rashly and negligently driven by the petitioner, turned turtle resulting into injuries to the passengers sitting therein and deaths of Gyanu and Sunder.

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 sentences passed against the petitioner may be reduced to the period already undergone. According to him, the petitioner is in jail since 24/8/13.

4. In response, learned Government Advocate while making reference to the incriminating pieces of evidence on record, 2 Cr.A. No.1789/2013 submitted that the convictions were well merited and the impugned judgment did not warrant interference.

5. Having regard to the arguments advanced by the parties, perused the judgments of the Courts below. Conviction under Section 304A of the IPC ought to have been awarded under two counts. However, the same has not been challenged by the prosecution and, therefore, cannot be interfered with in this revision.

6. As the convictions are not under challenge, advertng to the question of sentence, it is apparent from the record that the incident took place, as early as, in the year 2008 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 petitioner has no criminal antecedents, interests of justice would be met if the term of custodial sentence under Section 304A of the IPC is reduced to the period of nine months and fine amount is enhanced to Rs.5000/-.

7. In view of the aforesaid, impugned convictions are maintained. The impugned sentences under Sections 279 and 337 of the IPC are also maintained. However, the term of custodial sentence under Section 304A of the IPC is reduced to a period of nine months and the fine amount is enhanced to Rs.5000/- (Rupees five thousand).

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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