State of Karnataka Vs. Rajakumar

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Court : Karnataka

Decided On : Oct-06-1987

Reported in : ILR1987KAR3774

Judge : Kulkarni and ;Ramakrishna, JJ.

Acts : Code of Criminal Procedure (CrPC) , 1973 - Sections 378 and 386

Appeal No. : Crl. Appeal No. 446 of 1984

Appellant : State of Karnataka

Respondent : Rajakumar

Advocate for Def. : Shivraj Patil, Adv.

Advocate for Pet/Ap. : K.H.N. Kuranga, SPP

Judgement :

Kulkarni, J.

1. This is an appeal by the State against the Judgment and order of acquittal dated 25th April, 84 passed by the J.M.F.C. Davangere in Criminal Case No. 1386/82, acquitting the accused of the offences punishable under Sections 279, 337, 338 and 304A I.P.C.

2. The material facts are as under :

On 2-12-81 Mohan-P.W.2, Ravikumar-P.W.3, Ramu-P.W.4, Babu-P.W.5 and Deenadayal-P.W.6 and the parents of Mohan-F.W.2, and his elder brother and his sisters and other relatives left Dandeli in a matador van MEZ 9472 at about midnight for the purpose of going to Virudhunagar where the marriage of P.W.6 was to be performed on 7-12-81 The said van left Dandell at 12 midnight. The van reached Hubli at 2 a.m. on 3-12-81. They and the driver had tea in Hubli and again left for Davangere. They reached Davangere by about 5-30 or 6 a.m. They took diesel for the van at about 6 a.m. in Davangere. The said van leu Davangere at about 6 a.m. towards chitradurga. When the said matador van (hereinafter referred to as 'the van') was coming near Hebbal village towards Chitradurga direction, a jeep bearing No. MYW 3134 ('jeep' for short) arisen by the accused came from the opposite direction at a great speed and by the wrong side of the road and hit against the was headlong. Three poisons namely Subramani, Natraj and Choudamani died on the spot itself. P.Ws.2 to 6 and others also sustained simple and grievous injuries. They were removed to the hospital at Davangere and Dr. S. Kanth started treating them. P.S.(sic)-(sic) (P.W.10), ou receiving the information about this offence at about 7-10 a.m. on rushed to the Hospital ana saw 18 parsons being treated in the casualty ward. He also found that three persons had died. At about 8 a.m. or so, he recorded the complaint Ex.P22 of Mohan-P.W.2 and came back to the police station at 8-15 a.m and registered a case in Crime No. 246/81 for the offences under Sections 279, 337, 338 and 304A I.P.C. He held the inquest over the dead bodies or Subramani, Nataraj and Choudamani as per Exs. P26 to F28. While he was holding the inquest over the three dead Domes he also came to know that one Sheetal who was travelling in the said jeep and who also was injured, breathed her last. Hence, he held the inquest over the dead body of Sheetal also. He held the inquest over the said bodies from 9-30 a.m. to 3-30 p.m. Thereafter, he sent the tour dead bodies for post-mortem examination. He recorded the statements of various injured persons and other blood relatives of the injured and the deceased persons He also recorded the statements of P.W.3- Ravi Kumar C.W.24-Mohammad Ismail. He rushed to the scene of offence at 4 p.m. on 3-12-81 and collected the panchas and went to the scene of offence and drew up the scene of offence panchanama Ex.P.23. He prepared the hand sketch Ex.P30. He seized the van and the jeep and he also collected the broken pieces of the

glass of both the vehicles. He came back to the police station at about 6 p.m. On 4-12-81, he recorded the statements of C.W. 14-Ashok Pawar, C.W.13-Ramu(PW4), CW.7-Indra, C-W.8- Manjunath, CW.6-Rajamma, C.W.18- Stanley and C.W. 19 Muniswamy. He also seized the clothes round on the dead bodies. He also requested the motor vehicles department to inspect the vehicles involved in the accident.

On 5-12-1981 he recorded the statements of C.W. 12-Vikram Raju, C.W. 13-Ramu (P.W. 4), C.W. 15- Sunil, C.W. 6- Deenadayalu, P.W. 5- Babu and C.W. 16- Vivek. He handed over the van to the owner as per the order passed by the Court. On 6-12-81 he recorded the statements of charge-sheet witnesses Ravikumar-P.W. 3, Shashikala C.W.5, Ganesh-C.W. 9, Suryakala -C.W.10 and Chandrakala- CW.11. Thereafter the investigation was taken over by C.P-1 and ultimately after completing the investigation into the case, a charge sheet for the offences under Sections 279, 337, 338 and 304A I.P.C. was laid against the accused - the driver of the jeep.

3. The Magistrate framed accusations constituting the offences under Sections 279, 337 and 304A I.P.C. against the accused. The Magistrate read out the accusations to the accused and explained them to the accused. The accused pleaded not guilty and claimed to be tried.

4. The prosecution, in support of its case, examined P.Ws. 1 to 10 and marked Exs. P1 to P 30 and M.Os. 1 to 5 and closed the case.

5. The accused in the statement recorded under Section 313 Cr. P.C submitted that he was driving the vehicle in a moderate speed by the left side of the road and the van came at a very high speed from the opposite direction and dashed against the jeep. He claims to have lodged a complaint to the police on 17-1-82. He produced an acknowledgment in support of his contention that he lodged the complaint regarding the accident before the police.

6. The Trial Court, on circumspection of the material, came to the conclusion that the prosecution had failed to prove that the accused was driving the jeep in a rash and negligent manner and at a great speed so as to endanger human life or so as

to cause injuries to the persons and thus acquitted the accused.

7. The State, being aggrieved by the order of acquittal, has come lip with the present appeal.

8. Learned Counsel Shivaraj Patil submitted that in the case of appeals by the State against the order of acquittal, there was always the presumption of double innocence in favour of the accused. According to him, if two views are possible on the material available, the High Court should not interfere with the order of acquittal even if the view taken by the Magistrate may be found fault with by the High Court. This is especially so as the Magistrate would have had the opportunity of observing the demeanour of the Witnesses.

9. Taking into consideration the large volume of case law developed on the subject regarding the appeals against acquittals, we are firmly of the opinion that the appeals against acquittals are to be judged by a standard different from that applicable to those against conviction. The initial presumption of innocence is strengthened by acquittal by the Trial Court, and the Court of Appeal will interfere only if it is proved without any doubt not only that the accused person is guilty but that he has been acquitted on unreasonable grounds. Under sound principles of criminal jurisprudence, the indication of error in the judgment of acquittal ought to be clearer and more palpable and the evidence more cogent and convincing in order to justify its being set aside than would be necessary in the case of a judgment of conviction. The State, in such cases, must satisfy the Court that there does exist some good and strong grounds apparent upon the record for interfering with the deliberate determination by the Judge who has had all the evidence before him and has arrived at that determination with that great advantage in his favour.

Where there is a reasonable doubt as to the guilt of the accused, this Court should and will not interfere in an appeal from an acquittal. The High Court will not interfere and reverse an order of acquittal merely because there is room for an honest difference of opinion, merely because upon evidence, the lower Court might have come to the conclusion that the accused was guilty, but only if it is quite clear that the Judge or the Magistrate, whose Judgment of acquittal is

appealed against, is wrong. It is not a power lightly to be used and should be used only where there is no reasonable doubt upon the record as to the guilt of the accused. Though the High Court has power to reverse on appeal an acquittal under the Code as it has to reverse on appeal a conviction, nevertheless while in an appeal against a conviction the appellant, the accused, is entitled to the benefit of any reasonable doubt which exists, in an appeal against an acquittal, the Government is not entitled to the benefit of any reasonable doubt of the guilt of the accused. The principles laid dova in Swarup's case afford a correct guide for the appellate Court's approach to a case in disposing of such appeal.

The different phraseology used in the various Judgments of the Supreme Court, such as (1) 'substantial and compelling reasons', (ii) 'good and sufficiently cogent reasons' and (iii) 'strong reasons' are not intended to curtail the undoubted power of an appellate Court in an appeal against acquittal to review the entire evidence and to come to its own conclusion; but in doing so it should not only consider every matter on record having a bearing on the questions of fact and the reasons given by the Court below in support of its order of acquittal in its arriving at a conclusion on those facts, but should also express those reasons in its Judgment, which lead it to hold that the acquittal was not justified. What may be called the golden thread running through all the decisions of the Supreme Court is the rule that in deciding appeals against acquittal, the Court of Appeal must examine the evidence with particular care, must also examine the reasons on which the order of acquittal was based and should interfere with the order only when satisfied that the view taken by the acquitting Judge is clearly unreasonable.

10. Learned Counsel Shivaraj Patil referred us to G. B. Patel -v.- State of Maharastra : 1979 CriLJ51 . It was an appeal against acquittal. While considering the said appeal, Supreme Court held:

'Although in an appeal from an order of acquittal the powers of the High Court to reassess the evidence and reach its own conclusions are as extensive as in an appeal against an order of conviction, yet, as a role of prudence, it should 'always give proper weight and consideration to such matters as (1) the views of the Trial Judge as to the credibility of the witnesses ; (2) the presumption of innocence in

favour of the accused, a presumption certainly not weakened by the fact that he has been acquitted at the trial ; (3) the right of the accused to the benefit of any doubt ; and (4) the slowness of an appellate Court in disturbing a finding of fact arrived at by a Judge who had the advantage of seeing the witnesses '

Supreme Court, further, held:

'Where two reasonable conclusions can be drawn on the evidence on record, the High Court should as a matter of judicial caution, refrain from interfering with the order of acquittal recorded by the Court below. In other words, if the main grounds on which the Court below had based its order acquitting the accused, are reasonable and plausible, and cannot be entirely and effectively dislodged or demolished, the High Court should not disturb the acquittal.'

Supreme Court has further stated in the said case that if there is inordinate delay in the lodging of the complaint and in sending the F.I.R. and the prosecution story is beset with doubts and suspicion, the High Court should refuse to accept the evidence of the eye witnesses.

11. Similar is the view taken in Dyavappa -v.- State of Mysore : 1979 CriLJ957 (ii) Vasudeo Kulkarni -v.- Suryakant Bhat : (1977)2SCC304 (iii) Bharginath Singh -v.- State of Bihar 1976 SCC 614 and K. A. Vish -v.-State of Maharashtra : 1971 CriLJ1547 . All these decisions emphasise the need to examine the evidence with particular care and to interfere with the order only if satisfied that the view taken by the acquitting Judge is clearly unreasonable.

12. Learned State Public Prosecutor drew our attention to Narayan Singh -v.- State of Madhya Pradesh AIR 1979 SC 1678. In the said Narain Singh's case7, the Supreme Court has laid down as, 'it is true that the Supreme Court has held that where two views are reasonably possible, the order of acquittal should hot be disturbed Where however the judgment of the Sessions Judge was absolutely perverse, legally erroneous and based on wrong assumptions this is a fit and proper case for interference by the High Court in reversing the judgment of the Sessions Judge and convicting the accused. The principle laid down in Narain's case7 is Similar to the principles laid down by the Supreme Court in the cases

referred to above.

13. Bearing these principles in mind, we would like to consider the matter in detail while deciding this appeal by the State against the order of acquittal.

14. Mohan PW. 2 who was one of the inmates in the van, has clearly stated that he and others left Dandeli at midnight in order to go to Virudhunagar for the marriage of Deenadayal P.W.6. He has stated that the van reached Hubli at about 2 am. and the driver of the van P.W.4 Ramu and others had tea at Hubli at 2 am. and reached Davanagere at about 6 am. and after filling the van tank with the diesel they drove towards Chitradurga by the left side of the road and at that time the jeep in question came from the opposite direction at a very high speed and by its wrong side and dashed against the van in which he and others were travelling. He has made it clear that it was the accused who was driving the jeers in question. He has stated clearly that none of them was dozing or sleeping, in the van, while travelling. it was already 6am. when the accident took place and thus it was time for the Sun to rise at the time of the accident. Hence the evidence of this witness that none of them was sleeping or dozing at the time of the accident, merits to be accepted.

P.W.3 Ravi Kumar has also stated that when the van came near Hebbal village by its proper side, the jeep in question came from the opposite side driven by the accused at a great speed and by the wrong side, and dashed against their van. P W. 3 has also given evidence to the same effect as that of P.W. 2.

P.W. 4 Ramu is the driver of the van. According to him, the jeep in question came from the opposite direction driven by the accused at a great speed and by the wrong Side, and dashed against the van. P.W. 5-Babu also has given evidence to the same effect. P.W. 6- Deena Dayalu, in connection with whose marriage the people in the van were going to Virudhunagar, has also given evidence to the same effect. Therefore, the material on record conclusively proves that it was the accused and accused alone that was driving the jeep in question. A suggestion appears to have been made to some of the witnesses that the accused was not driving the jeep in question. The said suggestion has been denied by all the witnesses. The said suggestion is absolutely meaningless and without any

substance. It is stated by the accused in his statement under Section 313 Cr. P.C. that he was driving the jeep at a moderate speed by the left side of the road and that the van came at high speed and dashed against his jeep. Therefore, the material on record, including the statement of the accused, proves beyond doubt that it was the accused and accused alone who was driving the jeep in question. Therefore, the view of the trial Court that no identification parade was held in order to identify the accused and that the evidence on record did not go to establish that the accused was driving the jeep in question, is absolutely perverse, erroneous and contrary to the material on record.

15. PSI- P.W.l0 - Ghale has stated that on 3-12-81 at about 7-10 am., on getting information about the accident from P.S.I.-Jadhav of Bharamasagar P.S., he made a note in the S.H.D. and rushed to the hospital and found 18 persons taking treatment in the casualty ward and also found that three persons had died in the accident. He says that he recorded the complaint Ex. P 22 of Mohan -- P.W. 2 at the hospital and rushed to the police station and registered a case in the police station. It is no doubt true that P.W. 2 has stated that to his knowledge no complaint was recorded till mid-day. According to the doctor he intimated the concerned police station at about 1. 30 pm. P.S.I- P.W.10 has stated that he went to the hospital at Davangere after receiving the information at about 7.10am. and immediately questioned P.W 2 Mohan and recorded the complaint Exhibit P-22. After all P.W. 2 was injured and was rather in a dazed condition. He had lost his parents and relatives. His brother who was to be married, had sustained grievous injuries. His friends also bad sustained injuries. Therefore, it is rather difficult to believe that he would have had the sense of passage of time at that time on 3-12-81, when he came to be questioned by P.S.I. Therefore, a little difference in time given by P.W. 2 and the doctor cannot assume any importance in view of the clear and reliable evidence of P.W. 10 who has stated that he recorded the complaint of K.W. 2 at about 8 am. It is no doubt true that the F.I.R. and complaint have reached the Magistrate the next day at about 11 am. It may be that the police station is near the Magistrate Court. Merely because there is delay in the complaint and F.I.R. reaching the Magistrate, it cannot be construed to be a circumstance throwing suspicion over the complaint. If there is an abnormal delay in recording the complaint itself or in receiving the complaint, that would be

altogether a different matter. On account of so many circumstances, the complaint and the F.I.R. may not have reached the Magistrate in time. Therefore, inertly because there is delay of 24 hours in the complaint and FIR reaching the Magistrate, it cannot be concluded that the complaint is shrouded in suspicion. Therefore, the conclusion reached and the inference drawn by the Magistrate in this regard is absolutely perverse, unreasonable and unsustainable.

16. The evidence of P.W. 2-Mohan, as can be seen from page 22 of the paper-book, establishes beyond doubt that P.W.4 was driving the van in question by the proper side of the road and at a moderate speed and that the jeep in question came from the opposite direction at a great speed and by the wrong side and hit against the van. There is no material cross-examination on this aspect of the matter. In criminal trials, non cross-examination may not amount to an admission. But non-touching of the material elicited in the course of the examtnation-in-chief, which establishes one of the main ingredients in the constitution of the offence, would go a long way in proving the truth of the evidence of the witness. Similarly, P.W.4 has clearly stated, as can be seen from page 30 of the paper book, that he was driving the van by the left side of the road and at a moderate speed and the left wheels were on the kachcha road and the jeep came in front of the van and dashed against the van. There does not appear to be any cross-examination, much less serious, on this aspect of the evidence of the van driver. Similarly, P.W.6 has stated on page 36 of the paper book that the van was going by its proper side and the jeep came by its wrong side and dashed against the van. There is no cross-examination on this aspect of the evidence of P.W.6 - Deenadayal, Similar is the ease in the course of cross - examination of the other witnesses. Therefore, in view of the said evidence of these witnesses, which has remained practically unchallenged and uncontrovrted, the conclusion arrived at by the trial Court that the prosecution bad failed to prove that the accused was guilty of rash and negligent driving of the jeep in question, cannot be anything else but perverse and unreasonable.

17. Sri Shivaraj Patil drew our attention to the evidence of the Motor Vehicle Inspector P.W.9 which reads, 'there is every possibility that the vehicles may leave the spot of accident after the head-on collusion to either of the way.' This is an

hypothetic answer to a hypothetical question. In some cases it may happen. It is not the case of the defence that on account of the head-on collision the vehicles moved from the spot of the accident either way. Looking to the damage caused to both the vehicles it is impossible to believe that the vehicles could have left the spot of accident and moved either way after the impact. Ex.P-23, the scene of panchanama, and Ex. P-36 - the sketch, go to show that the jeep in question came from the opposite side by its wrong side and dashed against the van. Ex.P-23 clearly indicates that the van was standing by its proper side even after the accident.

18. P.W. 8- Revanasiddappa who has attested P.W. 23 has stated at page 42 of the paper book that the vehicles were moved by the Police afterwards from the spots in which they stood after the accident. This statement, if read along with the evidence of P.W. 8 in his examination-in chief, would only go to show that the vehicles were moved after Ex. P-23 was drawn. Therefore, this circumstance does not even remotely indicate that after the accident and before Ex. P-23 was drawn up the vehicles were moved from their position. The scene of offence panchanama does not at all indicate that the jeep had left behind any brake marks at all. This is another circumstance to show that the jeep in question was driven in a rash and negligent manner. Therefore, taking into consideration all these aspects of the case, we have no hesitation in concluding that the jeep was coming by its wrong side and at a great speed and dashed against the van that was coming by its proper side. Therefore, the reason given by the trial Court that both the vehicles were moved by the time Ex. P. 23 was drawn, is absolutely erroneous and wrong and does not get support from the material on record. We have no hesitation in rejecting that conclusion reached by the Magistrate. The conclusion reached by the Magistrate in this regard is rather perverse and unsupportable by the evidence on record.

19. The trial Court has made much of the non-examination of Muniswamy, Raghavelu, Rajagopal, Mohan Potdar, Pawar, Dadgamkar and Narendra Saigal. Even assuming that these persons were coming in another van behind the van in question, it does not mean that they had seen the actual accident at all. They might have reached the spot of accident after expiry of a little time. Therefore, their

non-examination is not of any consequence at all. The trial Court has also tried to disbelieve the evidence of P.W- 1-Dr. Suryakantha mainly on account of the discrepancy found in Exs. P1 to P 17 as to the persons who had brought the injured to the hospital. The doctor has stated in his evidence that the police brought the injured but in Exs. P1 to P 17 it is noted by him that Muniswamy, Raghavelu, Rajagopal, Mohan Pawar, Potdar, Dadgamkar and Narendra Saigal had brought the injured. Who brought them to the hospital, is absolutely immaterial. This approach by trial Court is absolutely erroneous and perverse. The doctor's evidence regarding the injuries sustained by the various persons cannot be brushed aside just on account of this minor discrepancy.

20. According to the defence, P.W.4 left Dandeli at about midnight and be had to reach Virudhunagar by the evening of 3-12-81. According to the detence, P.W.4 must have been driving the van at an abnormal speed. The distance between Dandeli and the spot of accident may not exceed 300 K.Ms. and the same is not disputed before us. If one covers 300 Kms. in six hours, the average speed comes to 50 Kms. That cannot be said to be an excessive speed particularly on a highway. Even assuming that the van was being driven at a high speed, it does not mean that P.W.4 was driving the van in a rash and negligent manner and on account of it the accident took place.

The learned authors Ratanlal & Dhirajlal in their Law Of Crimes, 22nd edition, page 812 have stated, 'The doctrine of contributory negligence does not apply to criminal liability where the death of a person is caused partly by the negligence of the accused and partly by his own negligence. The doctrine of contributory negligence has no place in an indictment of criminal negligence'. They have further stated as 'a driver cannot absolve himself from the consequences of rash driving by merely showing that the person to whom or to whose property he has caused injury was himself negligent'. Therefore, the argument advanced by the learned Counsel Shivraj Patil that the accident was also due to the driving of the van at a great speed by P.W.4, does not appeal to us in the least The view reached by the trial Court, making much of this circumstance, is not anything else but perverse.

21. The trial Court has further made much of the fact that P.W.4 was driving the van without any rest from 2-12-81 and that he must have been exhausted and thus was responsible for the accident in question.' On the other hand, it would go to show that he has got a vast amount of energy It cannot also be forgotten that he is a driver by profession and that he is a driver of the heavy vehicles like lorry also. Therefore, this inference drawn by the trial Court is absolutely perverse and unsupportable by the evidence on record.

22. The trial Court has tried to make out a ground that non-examination of Jagganatha PSI of Bharmasagara was fatal to the prosecution case. The place of accident falls within the jurisdiction of Davangere Rural Police Station. Jagganatha has taken the injured to the hospital, purely on humanitarian consideration. Merely because he happened to reach the spot of accident, and took the victims to the hospital immediately it does not mean that he ought to have carried out the investigation himself and ought to have recorded the statements of witnesses. His non-examination also would not affect the case of the prosecution in any way.

23. The trial Court has tried to make out a case that the evidence of F.Ws.2 to 6 is untrustworthy as it is stereo-typed. Toe evidence of the witnesses cannot be rejected only because the evidence is stereo-typed or because it contains some minor discrepancies. Discrepancies are bound to occur when the witnesses are examinee after long lapse of time. Discrepancies would go to snow that me witnesses are natural witnesses and not tutored witnesses. Therefore, the inferences drawn by the trial Court on account of these discrepancies are highly erroneous and uncalled for.

24. The next circumstance relied on by the trial Court to discredit the evidence of the eye witnesses is that, on account of the collision there was heavy smoke in the van and thus it may not have been possible for them to observe the person who was driving the jeep. The smoke, it at all it occurred. would have occurred alter the accident. Therefore, it would not have come in the way or these witnesses observing the driver or the jeep before the accident when the jeep was coming near. Therefore, the conclusion reached by the trial court that the evidence or the eye-witnesses to the incident is not sufficient to snow as to who was driving the

jeep in question, is absolutely erroneous and unsupportable by the material on record. On the other hand, the accused himself admits that that he was driving me jeep himself. The evidence of the prosecution withness, as already shown, proves beyond doubt that it was the accused and accused only that was driving the jeep. In view of the admission of the accused and evidence of the prosecution witnesses, the conclusion of the trial Court in this connection, is perverse and erroneous and same is contrary to the material on record.

25. The trial Court has tried to make much of the fact that as many as 16 persons were travelling in the van with the luggage though the seating capacity was only 12. Ours is a Country where people are found travelling on top of the vehicles for want of vehicles. The persons who were travelling in the van were going to attend the marriage of P.W.6. Naturally they carried some luggage. We do not think that carrying of 16 passengers and luggage would in any way affect the driving of the van.

The trial Court has also made much of the circumstance that the marriage party had to reach by night at least on 3-12-81, Virudhunagar which was about 900 Kms. from the place of accident. Thus the trial Court hurried to infer that the van must have been driven atleast at 75 Kms. per hour. What is to be seen is the speed at which the van was being driven at the time of the accident. Merely because the marriage party had to cover some distance, it cannot be said that the van was driven at a high speed.

26. The trial Court has further tried to find fault with the prosecution on the ground that there is discrepancy in regard to the direction in which the road runs. The witnesses are quite strangers to that locality and spot of accident. Mere wrong mention of the direction as to whether the road was running east-west or north-south, does not affect the evidence of the witnesses materially.

The trial Court has further tried to state that the van was facing east and so the sun's rays were directly falling on the van in question. The drivers are accustomed to drive the vehicles even when the sun's rays are directly falling on their vehicle.

The trial Court further observed that the accused did not appear to have driven the vehicle in a dangerous, hazardous and in a manner lacking care. The road is a very straight one. The same is not in dispute. There was no necessity or reason for the driver of the jeep to go by the wrong side and dash against the van which was going by its proper side. The accused even if he had taken the slightest care and caution, could have avoided the accident. So, to say that it did not appear that the accused was driving the jeep in a dangerous and hazardous manner, would be a gross under-statement. The Court should not be carried away by what it feels and what appears to it. It must go by the evidence available on record. The evidence clearly goes to show that it was the accused who came by the wrong side of the road and dashed against the van. The accused has filed a complaint only on 17th when the accident took place on 3rd. The complaint has not been produced by him.

27. Thus, in the result, we are firmly of the opinion that the reasons given by the trial Court are absolutely perverse, erroneous, unreasonable and unsustainable by the material on record. The 'trial Court has misled itself by drawing unnecessary and unsupportable and imaginary inferences. Therefore, the order of acquittal passed by the Court-below cannot be sustained at all. Therefore, we reverse the order of acquittal and allow the appeal and convict the accused of the offences punishable under Sections 279, 337 and 304A IPC.

28. The accused is hardly 20 years old. Shri Patil submitted that he had to discontinue his studies on account of the injuries sustained by him, His future has become bleak. He also has suffered grievous injuries. According to Sri Patil, he had to take treatment for three months. Taking into consideration all the said circumstances, we do not think that the imposition of imprisonment is called for in this case. We think that the imposition of a reasonable fine would meet the ends of justice.

29. Under the circumstances, we sentence the accused for the offence under Section 279 IPC to pay a fine of Rs. 500/- or in default to undergo S.I. for one month, and sentence him for the offence under Section 337 IPC to pay a fine of Rs. 500/- or in default to undergo S.I. for one month, and sentence him for the

offence under Section 304A IPC to pay a fine of Rs 4000/- or in default to undergo S.I. for six months.