



2026:CGHC:13085



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 541 of 2012

Reepandeeep, S/o Karandeeep Aged About 22 Years R/o Village- Jampali, Ps -
Jharband, Distt. - Bargarh Orrisa, **... Petitioner/Applicant**

versus

State Of Chhattisgarh S/o Through The District Magistrate, Mahasamund,
Distt. - Mahasamund C.G., **... Respondent**

For Applicant : Ms. Prachi Singh, Advocate.

For Respondent/State : Shri Narayan Prasad, P.L.

(HON'BLE SHRI JUSTICE RADHAKISHAN AGRAWAL)

Order on Board

18/03/2026

Heard.

1. This criminal revision preferred by the applicant under Section 397 read with Section 401 of Cr.P.C. is directed against the judgment dated 14.08.2012 passed by the learned 1st Additional Sessions Judge, Mahasamund (C.G.) in Criminal Appeal No.101/2011 whereby, the learned appellate Court dismissed the appeal of the applicant while affirming the judgment dated 03.06.2011 passed in Criminal Case No.108/2011 by the Judicial Magistrate First Class, Pithoura convicting the applicant under Section 304-A of Indian Penal Code (for short, 'IPC') and sentencing him to undergo rigorous imprisonment for 1



year and fine of Rs.1,000/-, in default of payment of fine amount to undergo additional simple imprisonment for 3 months.

2. The case of the prosecution, in brief, is that on 03.01.2011 at about 6.30 pm., complainant – Neelamani was returning to his house along with one Rajendra Bhoi on his bicycle, then appellant/driver was coming opposite side by driving Hero Honda motorcycle bearing No.DL/4/3699 (for short, 'the offending vehicle) in a rash and negligent manner and dashed the bicycle, on account of which, Rajendra Bhoi, who was riding the bicycle, fallen down and succumbed to the injuries. On this incident, the complainant lodged an F.I.R. at Police Station Saankara vide Ex.P.6 against the applicant. Spot map was prepared vide Ex.P.7. During investigation, motorcycle was seized and applicant was arrested vide Ex.P.9.

3. After completion of investigation, charge sheet was filed before the Court of Judicial Magistrate First Class, Pithoura. The applicant abjured the charge and pleaded non-guilty.

4. Learned court of J.M.F.C. and appellate Court, after appreciation of oral and documentary evidence, convicted and sentenced the applicant as mentioned in opening paragraph. Hence, this revision.

5. Learned counsel appearing for the applicant submits that she is not challenging the conviction part of the applicant and confines her argument to the sentence part only, which according to her is on higher side. She further submits that there is a bridge near the scene of the incident where a ditch has been formed filled with *Murum* when the applicant reached there, the motorcycle jumped and went wrong side. She further contends that after causing the accident, the accused/applicant has not left or fled away from the place of incidence rather he was trying to save the life of the deceased by placing the head of the deceased in his lap, which is evident from the



statement of P.W.5 Dinesh Pradhan. She further submits that the applicant was a young man of 22 years and has no criminal antecedents. The applicant was in jail from 14.08.2012 to 10.10.2012, i.e., for 56 days and he is facing the */is* since January, 2011 i.e., for more than 15 years. She further submits that fine amount has already been deposited. On these premises, it is prayed by counsel for the applicant that the jail sentence awarded to applicant may be reduced to the period already undergone by him.

6. On the contrary, learned State Counsel opposes the revision and supports the impugned judgment.

7. I have heard learned counsel appearing on behalf of the parties and perused the record.

8. Considering the evidence and the material available on record, I am of the considered opinion that both the learned Courts were right in convicting the applicant and I hereby affirm the same.

9. As regards the sentence part, considering the facts and circumstances of the case and also considering manner in which accident took place, further considering the fact that the applicant remained in jail for a period of 56 days and is facing the */is* since January, 2011 i.e., for more than 15 years and that there are no criminal antecedents against him and that he was young man at that time, I am of the view that the ends of justice would be met if, while upholding the conviction imposed upon applicant, the jail sentence awarded to him is reduced to the period already undergone by him. Ordered accordingly.

10. Consequently, the revision is partly allowed. The conviction of applicant under the aforementioned Section is affirmed and he is sentenced to the period already undergone by him. However, the sentence of fine amount and the default sentence shall remain in tact.



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11. Since the applicant is reported to be on bail, therefore, his bail bonds shall remain in force for a period of six months from today in view of provision of Section 481 of B.N.S.S. 2023.

Sd/-

(Radhakishan Agrawal)

JUDGE

Anjani