



2026:CGHC:3129



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 510 of 2012

Premnarayan Sahu S/o Santram Sahu Aged About 25 Years R/o Village Kurud, P.S. Rajim, Distt. Gariyaband C.G. ... **Revisionist/applicant**

versus

State of Chhattisgarh through District Magistrate, Gariyaband (CG)

... Respondent

For Applicant : Ms. Laxmi Gupta appears on behalf of Shri Pragalbha Sharma, Advocate.

For Respondent/State : Shri Atanu Ghosh, Deputy Government Advocate.

(HON'BLE SHRI JUSTICE RADHAKISHAN AGRAWAL)

Order on Board

19/01/2026

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 24.07.2012 passed by the learned Additional Sessions Judge, Gariyaband, Dist. Gariyaband in Criminal Appeal No.27/2012 whereby, the learned appellate Court dismissed the appeal of the applicant while affirming the judgment dated 28.03.2012 passed in Criminal Case No.483/2009 by the Judicial Magistrate First Class, Rajim, Dist. Gariyaband 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.300/-, in default of payment of fine amount to undergo additional rigorous imprisonment for 1 month.

2. The case of the prosecution, in brief, is that on 12.06.2009,



complainant – Thakur Ram's grandson – Yugal Kishore Sahu and his friends Tej Ram Sahu, Dushyant Sahu and Tirath Sahu along with accused/driver Prem Narayan Sahu went to Sargi *Nalah* to collect sand in a tractor bearing No. C.G-04-DB-9661 and Trolley No.CG-04-ZC-8976 (for short, 'the offending vehicle') and on return at Sargi *Nalah*, on account of rash and negligent driving by its driver/accused, accident occurred and Yugal Kishore Sahu sitting on the engine of the offending vehicle fell down and succumbed to injuries. On this incident, the complainant lodged an F.I.R. at Police Station Rajim vide Ex.P.1 against the applicant. Spot map was prepared vide Ex.P.7.

3. After completion of investigation, charge sheet was filed before the Court of Judicial Magistrate First Class, Rajim. 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 at the time of accident, when the deceased was about to get in to the offending vehicle, then P.W.5 Tirath has forbidden him to sit on the offending vehicle, which shows that the deceased was also negligent. She further submits that at the time of incident, the applicant was a young man of 22 years. The applicant was in jail from 24.07.2012 to 01.08.2012, i.e., for 9 days and he is facing the */is* since June, 2009 i.e., for more than 16 years and that there are no criminal antecedents against him. 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 statements of P.W.2 Ashok Kumar, P.W.5 Tirath Ram Sahu and P.W.6 Dushyant and the material evidence 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 9 days and is facing the lis since June June, 2009 i.e., for more than 16 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. However, the fine amount shall remain intact.

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.

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