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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****Criminal Revision No. 1138 of 2016**

Roshan Kumar Gupta, S/o Late Bhola Prasad Gupta, Aged About 29 Years,
R/o Village Garhbira, Police Station Lundra, District Surguja, Chhattisgarh.

... Applicant**versus**

State of Chhattisgarh Through Station House Officer, Lundra, District Surguja,
Chhattisgarh.

... Respondent

For Applicant	: Mr. C.Jayant K. Rao, Advocate
For Respondent/State	: Mr. Ram Narayan Sahu, Dy. G.A.

Hon'ble Shri Justice Radhakishan Agrawal**Order on Board****27/02/2026**

1. The present revision is filed under Section 397/401 of Code of Criminal Procedure against the impugned judgment dated 29.11.2016 passed by the 4th Additional Sessions Judge, Ambikapur, District Surguja, (C.G.) in Criminal Appeal No.73/2015 whereby the learned Appellate Court has affirmed the order of conviction and sentence dated 04.12.2015 passed by the Judicial Magistrate First Class, Ambikapur, District Surguja (C.G.) in Criminal Case No.4956/2012, convicting the applicant/accused under Section 304-A of Indian Penal Code, 1860 and sentencing him to undergo S.I. for six months and fine of Rs.500/-,



in default of payment of fine, additional S.I. for 15 days.

2. Case of the prosecution, in brief, is that, complainant Surfaraz Ali lodged an FIR stating that on 09.10.2012 at about 06:30 PM, when he and his wife Smt. Sabana Khatun (deceased hereinafter) were going to fetch water from the hand pump situated near Middle School, at that time, the accused/applicant who was riding his motorcycle bearing registration number CG-15-CC-9340, in a rash and negligent manner, dashed the deceased and caused the accident, as a result of which Sabana received grievous injuries, and during course of her treatment, she died. As such, the case was registered against the applicant/accused. During the course of investigation, statements of the witnesses were recorded under Section 161 Cr.P.C.
3. After completion of investigation, charge-sheet was filed before the Court of Judicial Magistrate First Class, Ambikapur, (CG) against the applicant, who abjured the charge and pleaded non-guilty.
4. Learned Court of JMFC, after appreciation of oral and documentary evidence, convicted and sentenced the applicant as mentioned in paragraph 1 of this judgment. The said judgment was challenged by the applicant in Criminal appeal, however, the Appellate Court vide judgment dated 29.11.2016 dismissed the same. Hence, this revision.
5. Learned Counsel appearing for the applicant submits that he does not want to challenge the conviction of the applicant and confines his argument on the sentence part only, which, according to him, is on higher side. He further submits that the applicant was carrying bundle of clothes while riding the motorcycle and the deceased was dashed by



the said bundle of clothes, and in that event, the alleged accident occurred. He further submits that the applicant has remained in jail for 15 days i.e. from 29.11.2016 to 14.12.2016, he is facing the */s* since October, 2012 i.e. for more than 13 years, he has no criminal antecedents and the fine amount has already been deposited before the concerned trial Court. He further submits that during the trial, the applicant was on bail and he has not misused the liberty granted to him. On these premises, he urged that the jail sentence awarded to the applicant may be reduced to the period already undergone by him.

6. On the contrary, learned State Counsel supports the impugned judgment passed by the learned JMFC and Appellate Court.
7. I have heard learned counsel appearing on behalf of the parties and perused the record.
8. Considering the facts and circumstances of the case, statements of the complainant Surfaraz Ali (PW-1), Seraj Ali (PW-2), Azam Khan (PW-5) and further considering the other evidence available on record, this Court is of the opinion that the finding recorded by the learned Trial Court as well as the Appellate Court being based on the evidence available on record is correct finding. Thus, I hereby affirm the conviction of the applicant.
9. As regards the sentence part of the applicant, considering the facts and circumstances of the case and further considering the manner in which the alleged accident took place, the fact that applicant has remained in jail for 15 days, he is facing the */s* since 2012 i.e. for more than 13 years, he has no criminal antecedents, and that the fine amount has



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already been deposited, I am of the view that no fruitful purpose would be served to send the applicant back to jail again, and 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.

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. The fine sentence and default sentence is hereby affirmed.
11. Since the applicant is reported to be on bail, therefore, his bail bond shall remain in force for a period of six months from today in view of the provision contained under Section 481 of the BNSS, 2023.

Sd/-

(Radhakishan Agrawal)
JUDGE