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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.REV.P. 45/2025**

SANJAY TYAGI

.....Petitioner

Through: **Mr.Purshottam Saharawat, Advocate**

versus

STATE (NCT OF DELHI)

.....Respondent

Through: **Mr.Nawal Kishore Jha, APP for State
with SI Vinod Jain, PS Kotwali**

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

% **03.02.2025**

Crl.M.A. No. 3314/2025 (Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

Crl.Rev. P. 45/2025

1. The present petition has been filed against the impugned order dated 23.01.2025 passed by the learned Additional District & Sessions Judge, Tis Hazari Courts in Appeal No. 98/2021 titled ***Sanjay Tyagi V. State (NCT of Delhi)*** whereby appeal preferred by the present petitioner against his conviction and order of sentence for the offence under Sections 279/304A of the Indian Penal Code, 1860 (IPC) passed by learned Metropolitan Magistrate was dismissed.

2. Learned counsel appearing on behalf of the petitioner submits that the petitioner was sentenced to undergo simple imprisonment for 6 months for



the offence under Section 279 IPC and also to undergo simple imprisonment for a period of 1 year for the offence under Section 304A IPC. The petitioner was also directed to pay Rs.50,000/- as compensation to LRs of the deceased and further to pay Rs.9,000/- to the prosecution.

3. He submits that against the order of conviction and sentence, an appeal was preferred by the present petitioner which was dismissed *vide* impugned order dated 23.01.2025.

4. He further submits that in the present case there is only one eye-witness, *namely*, Vijay Pal, who has been examined as PW1. Inviting attention of the Court to the testimony of the said witness, he submits that the said witness has only stated that the bus was being driven by the present petitioner at a speed of 30-40 Km/hr. However, it has not come on record as to what was the permissible speed limit on the road where the accident had taken place. He submits merely because the vehicle was being driven at a speed of 30-40 Kms/hr cannot *ipso facto* bring the case within the ambit of rash and negligent driving.

5. In view of the above, issue notice. Learned APP appearing on behalf of the State accepts notice.

6. List on 22.04.2025.

7. Registry is directed to requisition the Trial Court Record in digitized form before the next date of hearing.

Crl.M.(Bail) No. 232/2025

8. The present application has been filed under Section 430 of the BNSS seeking suspension of sentence.

9. Learned counsel appearing on behalf of the petitioner submits that the petitioner has been sentenced to undergo imprisonment for a maximum



period of one year. He submits that the learned Appellate Court while dismissing the appeal of the present petitioner has directed him to surrender within a period of 10 days from the date of the impugned judgment dated 23.01.2025, which period is expiring today.

10. Issue notice. Learned APP appearing on behalf of the State accepts notice.

11. Having regard to the period of sentence, as well as, submissions made by the learned counsel appearing for the petitioner, the sentence of the petitioner is suspended during the pendency of the present petition subject to the petitioner furnishing a personal bond in the sum of Rs.10,000/- and one surety bond in the like amount to the satisfaction of the learned Trial Court/CJM/Duty Judicial Magistrate and further subject to the following conditions:

a) Petitioner shall appear before the Court as and when the matter is taken up for hearing.

b) Petitioner shall provide mobile number to the IO concerned which shall be kept in working condition at all times and he shall not change the mobile number without prior intimation to the Investigating Officer concerned.

12. The application stands disposed of.

VIKAS MAHAJAN, J

FEBRUARY 3, 2025

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