

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No.606 of 2015

Md. Jalil, S/o Md. Khalil, Resident of Village – Bandhodih, Post & P.S.
– Palajori, Dist-Deoghar, Jharkhand

... Petitioner

Versus

1. The State of Jharkhand
2. Manjor Ansari S/o Late Raju Mian, resident of Vill – Dhaka, P.S. –
Shikaripara, Distt. Dumka. ... Opp. Parties

Coram: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Petitioner : Mr. Indu Shekhar Gupta, Adv.

For the State : Mr. Anup Pawan Topno, A.P.P.

Order No.13/Dated- 20.03.2026

1. Heard learned counsel for the parties.
2. The instant criminal revision is directed against the judgment and order of conviction and sentence of the petitioner for the offence under Section 279, 337 and 304A of the Indian Penal Code passed by learned Trial Court in T.R. Case No.26 of 2010 and confirmed by the Appellate Court in Criminal Appeal No.91 of 2010.
3. Factual matrix giving rise to this revision is that one Manjor Ansari (informant) along with his nephew Akhtar Ansari had gone to attend a marriage ceremony boarding on TATA Maxi-407 bearing registration No. BR 40-3329. It is alleged that at about 05:00 p.m., the said TATA Maxi reached near Dungra More at Sheotala Village, meanwhile, the persons sitting on the rooftop of the said vehicle started raising hullah that one person has fell down and has sustained injuries. It is alleged that when the vehicle was stopped then informant noticed that his nephew Mukhtar Mian has fell down from the rooftop of the vehicle and sustained severe injuries due to which he died. The vehicle was being driven by the present petitioner in a rash and negligent manner at a high speed due to which the accident took place.

The petitioner has been held guilty and sentenced for the offence under Sections 279, 304A and 337 of the IPC by the learned Trial Court as well as by the Appellate Court which has been assailed

in this revision and the same was admitted only on the ground of quantum of sentence.

4. Learned counsel for the petitioner submits that admittedly, the driver was not aware of about the sitting of passenger at rooftop and some passengers got boarded on the rooftop of the vehicle in spite of protest by the driver. The occurrence happened on 29.04.2002, now more than two decades have been passed. The appellant has remained in custody about 40 days post-conviction in this case. The heirs and legal representatives of the deceased have also been awarded compensation of Rs.1,20,000/- with interest including interim compensation and the family members of the deceased have also been settled in their life. Therefore, sending the present petitioner for undergoing remaining period of sentence awarded to him could not serve any useful purpose. Petitioner is about 55 years old. Therefore, a lenient view may be taken in the matter of sentence and the petitioner may be directed to be released on sentence already undergone instead of one year of S.I. awarded by the learned Trial Court.

5. On the other hand, learned A.P.P. has opposed the aforesaid contentions raised on behalf of the petitioner and submitted that life of one person has been vanished due to rash and negligent driving of the vehicle. Although, compensation has been awarded under Motor Vehicles Act but that is not sufficient to mitigate to the offences committed by the petitioner. Therefore, this revision is fit to be dismissed.

6. I have given thoughtful consideration to the overall aspects of the case and also find that this is an old case of more than two decades, the incident pertains to road accident matter wherein the deceased was also at fault while he was sitting on rooftop knowing the risk of the danger. The family members of the deceased have also been compensated under proper proceeding. The petitioner has also remained in custody for 40 days.

7. In view of the aforesaid facts and circumstances, the simplistic view may be taken in favour of petitioner regarding quantum of

sentence awarded to him. As such in the aforesaid circumstances, the sentence awarded by the learned Trial Court and confirmed by the Appellate Court of S.I. of one year, is reduced to the imprisonment already undergone by the petitioner. Accordingly, this revision is **dismissed** on merits with modification in sentence as stated above.

8. The appellant is on bail, he is discharged from the liability of bail bond and sureties are also discharged.

9. Let a copy of this order along with Trial Court record be sent to concerned Trial Court for information and needful.

(Pradeep Kumar Srivastava, J.)