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Cr1.A.No. 649 OF 1998  
ITEM No.103

Court No.9

SECTION II

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Criminal Appeal No.649 of 1998

State of A.P. Appellant.

VERSUS

Thotireddy Gopal Reddy Respondent.

Date : 29/04/2004: This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN  
HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Appellant (s) Mr. Guntur Prabhakar. Adv.  
Ms. T. Anamika, Adv.

For Respondent (s) Dr. Sunil Kumar, Adv.

UPON hearing counsel the Court made the following  
O R D E R

Heard learned counsel for five minutes.  
The appeal is dismissed in terms of the signed  
order.

(R.K. DHAWAN) (VEERA VERMA)  
COURT MASTER COURT MASTER

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPEAL NO.649 OF 1998

State of A.P..... Appellant.

Versus

Thotireddy Gopal Reddy.... Respondent.

O R D E R

This appeal is against the acquittal of the respondent for the charge under Section 304-A IPC.

The respondent was tried for the said offence alleging that he had driven bus in rash and negligent manner and hit against the cycle ridden by the deceased. The incident happened in a busy locality. The respondent was driving a R.T.C Bus through the main road. The cycle driven by deceased came from the Thorrur road to the main road at Mahaboobabad. Pws. 1 and 2 are the witnesses. PW-1 saw the deceased lying under the wheels of the bus. The High Court was of the opinion that the evidence of Pws.1 and 2 was not reliable as they had seen the incident only after the occurrence. It is important to note that the deceased a 12 years old boy was driving the cycle through the side road and entering the main road and the circumstances show that the cycle must have come to the junction without taking note of the coming bus through the main road.

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We do not think that the High Court has committed any error in reversing the finding of guilt of the offence under Section 304-A IPC. The appeal does not call any interference and the same is dismissed.

.....J  
(K.G. BALAKRISHNAN)

.....J  
(B.N. SRIKRISHNA)

NEW DELHI;  
APRIL 29, 2004.