

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.893 OF 2014

STATE OF M.P.

Appellant(s)

VERSUS

CHIRONJI LAL

Respondent(s)

O R D E R

Heard learned counsel for the appellant as well as the respondent.

The impugned order is the judgment by which sentence imposed on the respondent was reduced from rigorous imprisonment for one year for the offence under Section 304-A I.P.C. to the period which was undergone by him, namely, six days.

It was a case in which the appellant was alleged to have driven the vehicle in a rash and negligent manner on 6/7-11-2000 resulting in the death of Raghuraj and Raghubir. He was proceeded against in a Complainant No.471/2000 at Police Station Ashoknagar, M.P. The learned J.M.F.C., Ashok Nagar, Raghoharh convicted the respondent under Section 304-A IPC and sentenced him to rigorous imprisonment for one year with a fine of Rs.4,000/- by order dated 19.3.2008. The appeal preferred by the

respondent was also dismissed by the learned Sessions Judge.

The High Court without appreciating the gravamen of the charges found proved against the respondent in a vary casual way without assigning any reason modified the punishment from one year to six days.

In the circumstances, we issued notice in this appeal on 3.7.2013. Since, the respondent failed to enter appearance through counsel or remain present before this Court, non-bailable warrants were issued against the respondent by our order dated 17.4.2014.

It is now reported by the Assistant Jail Superintendent, Sub-Jail, Ashoknagar, M.P. stating that pursuant to our orders the respondent was arrested on 20.5.2014 and was detained in the jail till the date of issuance of the certificate of detention, namely, 1.7.2014. The counsel for the respondent has now filed an affidavit through counsel stating that from 20.5.2014 till this date the respondent is serving the sentence in jail. Inasmuch as we are convinced that the impugned order of the High Court in revision was a non-speaking order while interfering with the sentence imposed on the respondent, we set aside the same and restore the conviction and sentence imposed by the Trial Court in the judgment dated 19.3.2008 in Criminal Case No.826/2005.

Taking note of the period of sentence already undergone by the respondent while allowing this appeal and setting aside the order of the High Court in the revision, we make it clear that the respondent shall serve out the remaining sentence, if any, or otherwise to be released if his detention is not required in any other case.

.....J.  
[FAKKIR MOHAMED IBRAHIM KALIFULLA]

.....J.  
[SHIVA KIRTI SINGH]

NEW DELHI;  
MAY 05, 2015

ITEM NO.68

COURT NO.7

SECTION IIA

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Criminal Appeal No(s). 893/2014

STATE OF M.P.

Appellant(s)

VERSUS

CHIRONJI LAL

Respondent(s)

(with appln. (s) for bail and office report)

Date : 05/05/2015 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA  
HON'BLE MR. JUSTICE SHIVA KIRTI SINGH

For Appellant(s) Mr. Darpan Bhuyan,Adv.  
Mr. C. D. Singh,AOR

For Respondent(s) Mr. Hemant Sharma,Adv.  
Mr. Ashwani Bhardwaj,AOR

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

The appeal is allowed in terms of the signed order.

(NARENDRA PRASAD)  
COURT MASTER

(SHARDA KAPOOR)  
COURT MASTER

(Signed order is placed on the file)