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SLP(Crl.)No. 4212 OF 2000

ITEM No.202

Court No. 5

SECTION IIA
A/N MATTER

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

Petition(s) for Special Leave to Appeal (Crl.) No. 4212/2000

(From the judgement and order dated 20/09/2000 in CRLRC 1116/99
of The HIGH COURT OF MADRAS)

LAKSHMANAN

Petitioner (s)

VERSUS

STATE OF TAMIL NADU

Respondent (s)

(With Appln(s). for bail and Office Report)
(For Final Disposal)

Date : 24/08/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.T. THOMAS
HON'BLE MR. JUSTICE S.N. VARIAVA

For Petitioner (s)

Mr. V.J. Francis,Adv.
Mr.A.Radhakrishnan,Adv.,
Mr.P.I.Jose,Adv.,
Mr.Jenis V. Francis,Adv.

For Respondent (s)

Mr.S.Balakrishnan,Sr.Adv.,
Mrs.Revathy Raghavan,Adv.,
Ms.Shweta Garg,Adv.

UPON hearing counsel the Court made the following

O R D E R

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Leave granted.

To meet the ends of justice sentence of imprisonment
is reduced to simple imprisonment for three months. The
fine part of the sentence will remain undisturbed. The
appeal stands disposed of in the above terms.

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(Vijay Kumar Sharma)
Court Master

(H.K. Bhatia)
Court Master

Signed order is placed on the file.

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IN THE SUPREME COURT OF INDIA
CRL. APPELLATE JURISDICTION

CRL. APPEAL NO.857 OF 2001@@

LAKSHMANAN

Appellant

Versus

STATE OF TAMIL NADU

Respondent

O R D E R@@
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Leave granted.

It is the admitted case that the appellant drove a bus during the morning of 31.7.1995 and knocked down a 75 year old lady who died subsequently on account of the injuries sustained by her. The trial court convicted the appellant under Section 304 A of Indian Penal Code and sentenced him to undergo R.I. for two years. This was confirmed by the appellate court. When he filed a revision before the High Court, a learned single Judge confirmed the conviction but reduced the sentence to R.I. for one year.

An endeavour was made to show that speed is not a criteria when a stage carriage bus was moving on the road. We would have appreciated the argument if the location of the accident was also favourable to the appellant. We have come across evidence that the accident happened in a bazar. No attempt was made by the

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appellant to show that during the particular time when the accident happened the bazar was not bustling with activities. We have no reason to think that the bazar would have remained deserted of traders, hawkers and other people during the morning hours. If so the appellant was duty bound while driving a bus along that place to slow down the vehicle to such an extent as to be in complete control of the vehicle. Movements of the pedestrians or other people can be expected at any time this way or that at the place and hence the speed should only have been such that a sudden application of the break should bring a complete stop for the vehicle then and there.

A perusal of the Mahazar shows that the old lady@@
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was dragged by the bus after hitting her for a distance of 22 feet. This shows that the bus was at a high speed through a zone where the speed should have been considerably less.

We are not therefore inclined to interfere with the conviction passed by the courts below. Learned counsel then made a plea for reduction of the sentence for which he advanced the admitted case that the lady was trying to go across the road. We do countenance the position that

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