

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 2030 OF 2013

(Arising out of SLP(Cr1.) No.5957/2013)

STATE OF MADHYA PRADESH

Appellant(s)

:VERSUS:

DONGAR SINGH

Respondent(s)

O R D E R

Leave granted.

2. Heard the learned counsel for both the parties. The respondent was proceeded under Section 304A of the Indian Penal code for having committed the death of one Bachhraj due to rash and negligent driving. The Judicial Magistrate, First Class, Chachoda, District Guna, awarded the sentence of one year rigorous imprisonment and a fine of Rs.1000/- to the respondent by his order dated 19.2.2007 which was left undisturbed in appeal by the Sessions Court at District Guna.

3. The respondent filed a criminal revision before the High Court of Madhya Pradesh. The only point which was argued on behalf of the respondent in the High Court was with respect to the sentence,

that the sentence be reduced to the period already undergone by the respondent by then which was only 34 days. The High Court has accepted the plea and reduced the sentence only on the ground that the trial was pending since 1999. We are not impressed by this reasoning given by the High Court. A life has been lost due to the rash and negligent driving on the part of the respondent which could not have been ignored.

4. In the circumstances, we allow this appeal, set aside the impugned order passed by the High Court and restore the order dated 19.2.2007 passed by the Judicial Magistrate, First Class, Chachoda, District Guna, awarding punishment of rigorous imprisonment for one year. The respondent will surrender in two weeks, failing which he shall be taken into custody to undergo the remaining period of sentence.

.....J
(H.L. GOKHALE)

.....J
(J. CHELAMESWAR)

New Delhi;
November 29, 2013.