

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 576 OF 2020

SURESH CHANDER

Appellant(s)

VERSUS

STATE & ANR.

Respondent(s)

ORDER

Assailing the judgment of conviction and sentence for the offences under Sections 279 and 304A of the Indian Penal Code, 1860 (hereinafter referred to as 'IPC' for brevity), which was confirmed by the first appellate Court and the High Court, the appellant has preferred this appeal. The appellant was directed to undergo simple imprisonment for a period of three months and to pay a fine of Rs.500/- for the charge of Section 279 IPC, in default of payment of fine, to undergo simple imprisonment for two months, and also directed to undergo rigorous imprisonment of one year and fine of Rs.5,000/- for the charge of Section 304A IPC and in default of payment of

fine, directing him to undergo simple imprisonment for three months; both the sentences were directed to run concurrently.

After hearing learned counsel for the appellant at a considerable length, in our view, the argument as advanced that the accident has not taken place on account of rash and negligent act on the part of the appellant because the suspension of the vehicle had broken down, has neither been put to the prosecution witness nor such a defence was put under Section 313 of the Code of Criminal Procedure, 1973, before the trial Court, therefore, we are not inclined to accept such plea.

The Mechanical Report dated 27.09.2012 at Annexure P3 referred in the statement of PW-8 is of no help to him because the person who submitted the said report has not been put in defence by the appellant to substantiate the mechanical fault. In absence, we are not inclined to interfere with the findings recorded by the three Courts convicting the appellant. Accordingly, the criminal appeal is dismissed. Pending applications shall stand disposed of.

On account of the rejection of this appeal, the appellant is required to undergo the sentence as directed, however, he

shall surrender within four weeks, otherwise, the trial Court shall take appropriate steps to take him into custody for serving the remaining part of the sentence.

.....J.
[J.K. MAHESHWARI]

.....J.
[SANJAY KAROL]

New Delhi;
May 09, 2024.

ITEM NO.109

COURT NO.9

SECTION II-C

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

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(IA No. 93207/2021 - EXEMPTION FROM FILING AFFIDAVIT and IA No. 93202/2021 - EXEMPTION FROM FILING AFFIDAVIT and IA No. 37996/2020 - EXEMPTION FROM FILING O.T.)

Date : 09-05-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE SANJAY KAROL

For Appellant(s) Mr. Mohit D. Ram, AOR

For Respondent(s) Mr. Vikramjeet Banerjee, A.S.G.
Mr. Mukesh Kumar Maroria, AOR
Mr. Shubhendu Anand, Adv.
Mr. Vishnu Shankar Jain, Adv.
Ms. Sweksha, Adv.
Mr. Shaurya Rai, Adv.
Ms. Vanshaja Shukla, Adv.

Mr. Avi Tandon, Adv.
Mr. Satyam Thareja, AOR
Ms. Vasundhara Nagrath, Adv.
Ms. Meghna Tandon, Adv.
Mr. Pratyaksh Sikodia, Adv.
Ms. Kusum Lata, Adv.

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

The criminal appeal is dismissed in terms of the signed order. Pending applications shall stand disposed of.

(NIDHI AHUJA)
AR-cum-PS

(VIRENDER SINGH)
BRANCH OFFICER

[Signed order is placed on the file.]