

S. B. Crl. Leave to Appeal No.147/2004  
(State of Rajasthan Vs. Gopal Singh)

DATE OF ORDER : 30.07.2004

**HON'BLE SHRI N.P.GUPTA,J.**

Mr.S.N.Tiwari, Public Prosecutor.

Heard learned Public Prosecutor. Perused the site plan, and the statement of the injured Gorkha Ram.

From perusal of the statements, and the site plan, it is clear that the learned trial Court has not committed any error in passing the impugned order of acquittal. Though, the learned trial Court has proceeded on the basis of the lapses on the part of the tractor driver in not taking precautions, however, from perusal of the site plan, and the statement of Gorkha Ram, it transpires that the whole story of accident as propounded by the prosecution cannot be said to be true, inasmuch as, all that has been deposed by Gorkha Ram is, that by the bus hitting the tractor, the tractor overturned, while from the perusal of the site plan, it is clear that the bus had come to halt immediately after the alleged hit, while the tractor is said to have traveled a long distance, and then has been found in the east of the road at a distance of 15 ft. Gorkha Ram has not even said a word, as to how the tractor traveled all that distance and reached at the place marked as "C" in the site plan. The prosecution story thus appears to be exaggerated; and the material that has come on record does not show any culpability on the part of the accused. As such, I am not inclined to interfere with the impugned order of acquittal.

The petition for leave to appeal is, therefore, dismissed summarily.

**(N.P.GUPTA),J.**