

IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA

Cr.Appeal 643 of 2000
Decided on: 28.09.2007

State of H P

Appellant

Versus

Balbir Singh

Respondent

Coram:

The Hon'ble Mr.Justice Surinder Singh.J.

Whether approved for reporting ?¹ No.

For the appellant : Shri D.S.Nainta, Deputy AdvocateGeneral.

For the Respondent Shri Rakesh Kanwar, Advocate.

Surinder Singh, J. (Oral)

The judgment of acquittal, passed by the Sub Divisional Judicial Magistrate, Nalagarh, Distt. Solan (H.P.), has been assailed by the appellant-State in this appeal, on the ground that the learned trial court did not appreciate the evidence of the prosecution in its right perspective.

I have heard Shri D.S.Nainta, learned Deputy Advocate General and Shri Rakesh Kanwar, learned counsel for the respondent and have gone through the evidence on record carefully.

As a matter of fact, it is a case where the respondent, while reversing his Truck had hit the

¹ *Whether the reporters of Local Papers may be allowed to see the judgment ? yes*

Maruti Van, which was parked on the side of the road near a shop and caused damage to it approximately to the tune of Rs.6,000/-

The learned trial court concluded that there was no evidence that the respondent was driving the vehicle in question in a manner rashly and negligently so as to endanger the human life. In fact, the truck is a heavy vehicle and was loaded at the relevant time and its speed while reversing cannot be said to be abnormal nor speed is the criterion to conclude the rash or negligent act of driving. Otherwise also from the statements of the witnesses that the vehicle in question was in a high speed is not made out nor there is any other evidence on record indicating the rash and negligent act on the part of the respondent. Therefore, in view of the above facts, the learned trial court has rightly concluded that the offences charged against the respondent are not proved on record.

Thus, the impugned judgment of acquittal does not require any interference by this Court. Hence, the appeal is dismissed. The respondent is discharged of the bail bonds, entered upon by him at any stage, during the proceedings of the case.

September 28, 2007
(D)

(Surinder Singh), J.

