

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Revision No. 911 of 2014

Jagdish Chandra Birua ... .. Petitioner  
Versus  
The State of Jharkhand ... .. Opp. Party

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**CORAM: HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY**

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For the Petitioner : Mr. S.K. Upadhyay, Advocate  
For the Opp. Party : Mr. Bhola Nath Ojha, A.P.P.

Through Video Conferencing

7/09.07.2020

1. Heard Mr. S.K. Upadhyay, learned counsel appearing on behalf of the petitioner.
2. Learned counsel submits that the learned court below has failed to consider that there was no sufficient evidence to prove that the petitioner was driving the vehicle and accordingly conviction of the petitioner is fit to be set aside. Learned counsel submits that P.W. 1 and P.W. 2 have stated that they came to know that the petitioner was driving the vehicle in the hospital and immediately after the accident they become unconscious, although in the examination in chief they have stated that the petitioner was driving the vehicle with which the accident has taken place. Learned counsel further submits that the petitioner has remained in custody for a period of about three months from 25.08.2014 to 20.11.2014 and the present offence is the first offence of the petitioner and accordingly some sympathetic view may be taken if this court is not inclined to setting aside the conviction of the petitioner. He submits that argument on the point of sentence is without prejudice to the aforesaid argument of the petitioner on the merits of the case.
3. Learned counsel for the petitioner has concluded his argument.
4. Mr. Bhola Nath Ojha, learned counsel prays for adjournment and submits that he shall advance his argument on the next day.
5. Post this case on 13.07.2020.

**(Anubha Rawat Choudhary, J.)**