

Tanjeel Ahmad vs State Of Uttarakhand And Another on 2 November, 2022

Author: Ravindra Maithani

Bench: Ravindra Maithani

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Revision No. 608 of 2022
With
Bail Application (IA) No.1 of 2022

Tanjeel Ahmad Revisionist

Vs.

State of Uttarakhand and Another Respondents

Present:

Mr. Mani Kumar, Advocate for the revisionist.
Mr. Ranjan Ghildiyal, AGA for the State.

Hon'ble Ravindra Maithani, J.

In the instant revision, the challenge is made to the followings:

(i) The judgment and order dated 30.03.2017 passed in Criminal Case No. 159 of 2011, State v. Tanjeel Ahmad, by the court of Civil Judge (S.D.)/Judicial Magistrate, Rudrapur, District Udham Singh Nagar ("the case"). By it, the revisionist has been convicted under Sections 279 and 304A IPC and has been sentenced as hereunder:-

| | | | | | |
|-----|-------|---------|-----|----------|---|
| (a) | Under | Section | 279 | IPC | - |
| | Six | months | | rigorous | |

imprisonment and a fine of

Rs. 1,000/-.

(b) Under Section 304A IPC
- Two years rigorous
imprisonment and a fine of
Rs. 1,000/-.

In default of payment of
total fine of Rs. 2,000/-,
further imprisonment for a
period of thirty days.

(ii) The judgment and order dated
17.09.2022 passed in Criminal

Appeal No. 87 of 2017, Tanjeel Ahmad v. State of Uttarakhand, by the court of Second Additional Sessions Judge, Rudrapur, Udham Singh Nagar. By it, the appeal filed by the revisionist has been partly allowed and the sentence under Section 279 and 304A IPC has been reduced to three months and six months, respectively.

2. Learned counsel for the revisionist would submit that it is a no-evidence case. There is no eyewitness to the incident. Merely on some presumption, the conviction has been recorded.

3. The lower court record is before the Court.

4. Learned counsel for the revisionist has referred to para 22 of the judgment recorded by the trial court, in which it is recorded by the court that there is no eyewitness.

5. Having heard, this Court is of the view that the matter requires deliberation.

6. Admit.

7. List for final hearing on 23.11.2022. Bail Application (IA No. 1 of 2022)

8. Heard on bail application.

9. It is argued that the applicant has been convicted for the offence punishable under Sections 279 and 304A IPC and has been sentenced to rigorous imprisonment for a period of three months under Section 279 IPC and rigorous imprisonment for a period of six months under Section 304A IPC. The revisionist has been throughout on bail during trial and appeal. It is argued that there is no eyewitness and this fact has been recorded by the court below. The conviction is based on presumption, which is not permissible under law.

12. Having considered, this Court is of the view that it is a case fit for bail and the revisionist deserves to be enlarged on bail.

13. The bail application is allowed. The execution of the sentence appealed against shall remain suspended during pendency of the revision. Let the revisionist be enlarged on bail on his executing a personal bond and furnishing two reliable sureties, each of the like amount, to the satisfaction of the court concerned.

(Ravindra Maithani, J.) 02.11.2022 Avneet/