

A. V. Raju

Vs

State of Orissa

Criminal Appeal No. 172 of 1970

(M. H. Beg, Y. V. Chandrachud JJ)

11.12.1973

JUDGMENT

BEG, J. -

1. The appellant was convicted by a Magistrate of Khurda in Orissa of offences punishable under Section 101, Indian Railways Act, 1890, and sentenced to four months rigorous imprisonment only. He is an engine driver who had driven an engine backwards disobeying a red signal and also taking the engine beyond the point up to which he was authorised to take it under written orders given to him. Consequently, he was alleged to have contravened the General Rules 76, 78, 79, 80, 84, 101 and 104 with the result that the engine collided with the Cuttack Special Down Goods train causing serious damage. He had endangered his own safety as well as of the crew of the Cuttack Special Down Goods train.

2. After having been taken through the evidence we agree with the finding of the Magistrate, the Additional Sessions' Judge, and the High Court that the appellant was guilty of contravening specific orders given to him as well as the clear rules imposing certain duties upon him to obey signals and orders give. He, thereby, certainly acted in a rash and negligent manner. He had been rather leniently dealt with.

3. We, therefore, dismiss this appeal and affirm the conviction and sentence of the appellant. The appellant who is on bail will surrender forthwith and serve out the remaining period of his sentence.

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