



2026:DHC:7278



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Reserved on: August 18, 2026
Pronounced on: August 31, 2026

CNR No.DLHC010577432023

+ **CRL.REV.P. 27/2024, CRL.M.A. 398/2024, CRL.M.(BAIL) 952/2024**

MOHD KHALID AHMED

...Petitioner

Through: Mr. Kunal Malhotra, Mr. Lakshya
Govindani, Advocates with
petitioner in person

versus

THE STATE GOVT OF NCT OF DELHI

...Respondent

Through: Mr. Raghuinder Verma, APP for the
State with Mr. Aditya Vikram Singh,
Adv. with SI Uttam Singh, PS:
Parliament Street.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T

1. By virtue of the present petition under *Section 397* read with *Section 401* of the Code of Criminal Procedure, 1973¹, the petitioner seeks setting aside of the order dated 11.08.2023² passed by the learned ASJ, Patiala House Courts, New Delhi³ in C.A. No.103/2022 arising out of FIR No.50/2008 dated 23.03.2008 registered at PS: Parliament Street, upholding the judgement on conviction dated 10.03.2022⁴ and order on

¹ Hereinafter referred to as '*CrPC*'

² Hereinafter referred to as '*impugned order*'

³ Hereinafter referred to as '*Appellate Court*'

⁴ Hereinafter referred to as '*judgement on conviction*'



sentence dated 25.05.2022⁵ passed by the learned MM, Patiala House Courts, New Delhi⁶ whereby the petitioner was convicted under *Sections 279/337/338/304A* of the Indian Penal Code, 1860⁷ and sentenced to undergo simple imprisonment for a cumulative period of *two years*, as also to pay a total fine of Rs.5,500/- and compensation of Rs.3,000/- each to *three* of the victims involved, in default whereof, to undergo further simple imprisonment for a period of *three months*. Costs of the prosecution were also directed to be paid by the petitioner by way of the impugned order.

2. Briefly put, on 23.03.2008 at about 03:00 PM, the petitioner was driving a Blue Line Bus bearing registration no.DL1PB3866⁸, which, while turning towards Ashoka Road from Parliament Street at *Gol Chakkar* near Nirvachan Bhavan, New Delhi, collided with a Jamun Tree on the footpath on the left hand side of the road leading to death of one of the passengers and injuries sustained by numerous other passengers. The aforesaid FIR was accordingly registered.

3. After filing of chargesheet on 18.09.2009, charges were framed against the petitioner on 26.07.2012 for offences punishable under *Sections 279/337/338/304A* IPC, to which he pleaded not guilty. Then, the prosecution examined as many as *17 witnesses*, statement of the petitioner was recorded under *Section 313 CrPC*, and since he chose only to examine himself as DW1, after hearing final arguments from both sides, the learned Trial Court passed the judgement of conviction and the order on sentence

⁵ Hereinafter referred to as '*order on sentence*'

⁶ Hereinafter referred to as '*Trial Court*'

⁷ Hereinafter referred to as '*IPC*'

⁸ Hereinafter referred to as '*Bus*'



against the petitioner, which have also since been upheld by the learned Appellate Court by way of the impugned order.

4. Learned counsel for petitioner herein primarily contended that there was no rashness or negligence on the part of the petitioner, as he was actually driving slowly at a speed of less than 20 kmph on *Gol Chakkar* towards Ashoka Road, and it was only due to a scooterist who suddenly came from the side that, the petitioner was forced to turn the Bus, losing balance and hitting the Jamun tree. The learned counsel submitted that the learned Appellate Court has failed to appreciate the said defence led by the petitioner, as also has erred in accepting the testimony of the prosecution witnesses to the effect that the Bus was running at a high speed of 60 kmph, which was not possible for any bus, especially at a *Gol Chakkar*. The learned counsel lastly submitted that though the Bus was overloaded, due to the fault of the conductor and not of the petitioner. Therefore, since there was a reasonable doubt in the case of the prosecution, the petitioner could not have been convicted in the case at hand.

5. *Per contra*, learned APP submitted that there is no dispute that the petitioner was driving the Bus which hit the Jamun Tree, as also the victims were injured as a result thereof, which in fact led to the death of one of them. The learned APP further submitted that the prosecution, most importantly, proved through cogent evidence that it was only due to the negligence and rashness of the petitioner which caused the accident, and there was nothing on record to controvert it. As such, the learned APP submitted that the impugned order has rightly been passed dismissing the appeal of the petitioner against the judgement on conviction and the order on sentence.



6. This Court has heard learned counsel for the petitioner as well as learned APP as also gone through the pleadings and documents on record.

7. At the outset, while considering the present revision petition under Section 397 CrPC, it is to be borne in mind that this Court is sitting in a supervisory jurisdiction. Thus, it is only to be seen if there are any patent errors/ defects/ illegalities/ irregularities/ improprieties/ or the like apparent from the face of the record. The Hon'ble Supreme Court in **Amit Kapoor vs. Ramesh Chander & Anr.**⁹ clearly crystallised the same as under:-

“12. Section 397 of the Code vests the court with the power to call for and examine the records of an inferior court for the purposes of satisfying itself as to the legality and regularity of any proceedings or order made in a case. The object of this provision is to set right a patent defect or an error of jurisdiction or law. There has to be a well-founded error and it may not be appropriate for the court to scrutinise the orders, which upon the face of it bears a token of careful consideration and appear to be in accordance with law. If one looks into the various judgments of this Court, it emerges that the revisional jurisdiction can be invoked where the decisions under challenge are grossly erroneous, there is no compliance with the provisions of law, the finding recorded is based on no evidence, material evidence is ignored or judicial discretion is exercised arbitrarily or perversely. These are not exhaustive classes, but are merely indicative. Each case would have to be determined on its own merits.”

8. For the conviction of petitioner under Sections 279¹⁰/337¹¹/338¹²/304A¹³ IPC, it was incumbent for the prosecution to satisfy that the

⁹ (2012) 9 SCC 460

¹⁰ **279. Rash driving or riding on a public way**-Whoever drives any vehicle, or rides, on any public way in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any other person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.



petitioner was driving the Bus in a rash and negligent manner at the relevant period of time on a public way, which caused hurt/ grievous hurt/ death of the victim(s) involved.

9. In the present case, the Courts below have taken due note thereof, which are evident from examination of 17 *prosecution witnesses* as also the deposition of the petitioner himself as DW1. It is an admitted fact that the petitioner was driving the Bus at the relevant time.

10. Further, there were consistent testimonies of PW4, PW5, PW7, PW10, PW11 and PW12, in as much as PW11 specifically deposing that the Bus was being driven at about 60 to 70 kmph throughout the entire journey, wherein the petitioner rashly overtook several cars as well, and PW5 also specifically deposed *qua* the incident, and that the Bus significantly speed up while turning at *Gol Chakkar* and lost balance, leading to collision with the Jamun Tree.

11. Lastly, the MLCs and X-Ray Reports of all the injured persons as well as the deceased were exhibited and verified by PW13, the record clerk [Ex.PW13/A to Ex.PW13/B, Ex.PW13/Q to Ex.PW13/Y], as also the PMR of the deceased was verified by PW16, Retired SI Hazari Lal [Ex.PW16/A].

¹¹ **337. Causing hurt by act endangering life or personal safety of others**-Whoever causes hurt to any person by doing any act so rashly or negligently as to endanger human life, or the personal safety of others, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

¹² **338. Causing grievous hurt by act endangering life or personal safety of others**-Whoever causes grievous hurt to any person by doing any act so rashly or negligently as to endanger human life, or the personal safety of others, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

¹³ **304A. Causing death by negligence**-Whoever causes the death of any person by doing any rash or negligent act not amounting to culpable homicide, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.



12. Interestingly, there was no evidence led/ brought on record by the petitioner herein.

13. Consequently, based on the aforesaid, the Courts below rightly convicted the petitioner under *Sections 279/337/338/304A IPC*.

14. In such circumstances, the issue of the petitioner of trying to save one scooterist who suddenly emerged on the side and therefore collided with the Jamun Tree does not hold much water. In fact, this Court finds that the same has been specifically dealt with in a detailed and well-reasoned manner by the learned Appellate Court in the impugned order as under:-

“4.5 It is admitted by the appellant also that the offending vehicle being driven by him, collided with the said Jamun tree. As such, it is clearly established that the offending vehicle being driven by the appellant on the relevant date, time and place hit against the said Jamun tree which was on the left hand side of the road, where the incident took place.

*4.6 If a moving vehicle hits against some stationary, non- animated object, it leads to the conclusion that the offending vehicle was being driven in a rash and negligent manner. However, there may be legally justifiable circumstances why any moving vehicle/ offending vehicle would hit against a stationary / fixed object, like a tree. **In the present case, the appellant has raised the contention that while the offending vehicle was driven by him, one scooterist suddenly came from left hand side of the offending vehicle. Due to this, the accused/ appellant tried to steer clear of the said scooter, in this endeavour the offending vehicle hit against the said Jamun tree.***

4.7 In the order sheet dated 07.07.2023, it was observed as follows:-

"It is the defence of the appellant that immediately before the incident, one scooter came from left hand side (Mahadev Road) of the offending vehicle. To prevent colliding



against the said scooter, the appellant took evasive action, as a result the offending vehicle hit against the footpath.

I have perused the site plan Ex.PW-2/B, as per the site plan, the offending vehicle hit a tree on footpath, on the left hand side of the offending vehicle. In view of the above submissions of the appellant, the question arises that if the said scooter came from left hand side of the offending vehicle, the evasive action of the appellant would have taken the offending vehicle towards right side of the road and not towards left hand side of the road from where the said scooter came?"

No subsequent arguments have been addressed with regard to the court observations dated 07.07.2023. It is quite logical that if some vehicle or any disturbance comes from left hand side of any vehicle, the immediate response of the driver of the said vehicle (offending vehicle), for evading collision, would be to steer the offending vehicle towards right hand side, i.e. away from the other vehicle. In the present case, if the said scooter came suddenly from left hand side of the offending vehicle, there is no logic for the offending vehicle to hit against the said Jamun tree on the left hand side of the offending vehicle.

4.8 In view of the above, the defence raised by the appellant is liable to be rejected. Accordingly, the same is rejected."

[Emphasis supplied]

15. Regarding the overloading of the Bus, being the conductor's fault, the same also cannot come to the rescue of the petitioner herein, as since conviction *per se* is not based thereon, and the same has nothing to do with the other surrounding circumstances, especially the speeding of the Bus by the petitioner.

16. Therefore, finding no patent errors/ defects/ illegalities/ irregularities/ improprieties/ or the like apparent on the face of the record in



the reasonings and analysis rendered in the concurrent findings of the Courts below, no interference is called for by this Court.

17. However, the petitioner being a *52-year-old* man of humble means with two minor children, and is the sole bread-winner of his family, as also having clean antecedents, and in the *10 months* of incarceration already undergone by him, his conduct has been '*Satisfactory*' throughout, in the considered opinion of this Court, the ends of justice would be met if the period of simple imprisonment imposed upon the petitioner is reduced to the period already undergone by him.

18. Accordingly, the impugned order dated 11.08.2023 passed by the learned ASJ, Patiala House Courts, New Delhi in C.A. No.103/2022 arising out of FIR No.50/2008 dated 23.03.2008 registered at PS: Parliament Street upholding the conviction of the petitioner under *Sections 279/337/338/304A* IPC is upheld, *albeit*, the period of simple imprisonment imposed upon the petitioner by the learned Trial Court is reduced to the period of incarceration already undergone by him.

19. Resultantly, the present petition, along with the pending application, is disposed of in the aforesaid terms.

SAURABH BANERJEE, J.

AUGUST 31, 2026/Ab/rs