



| SL. No. | Date | Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures | COURT'S OR JUDGE'S ORDERS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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|         |      |                                                                                                  | <p><b><u>CRLR/25/2026</u></b></p> <p>Amar Singh</p> <p style="text-align: right;">--Revisionist</p> <p style="text-align: center;"><b>Versus</b></p> <p>State Of Uttarakhand</p> <p style="text-align: right;">--Respondent</p> <p><b><u>Hon'ble Alok Mahra, J.</u></b></p> <p>Mr. Mukesh Singh Rawat, Advocate for the revisionist.</p> <p>Mr. Pradeep Lohani, Mr. Prabhat Kandpal and Mr. Akshay Latwal, A.G.A. for the State of Uttarakhand.</p> <p>2. This Criminal Revision has been preferred by the revisionist challenging the order dated 11.12.2025 passed by the learned Sessions Judge, Chamoli in Sessions Trial No.14 of 2025, whereby charges under Sections 105, 125(a), 125(b) and 281 of the B.N.S.S., 2023 have been framed against the revisionist.</p> <p>3. Learned counsel for the revisionist submits that the charge framed under Section 105 of the B.N.S.S., 2023 is wholly unsustainable in the facts and circumstances of the present case. It is submitted that the revisionist was driving the vehicle cautiously while proceeding from Shri Badrinath Ji to Chamoli. When the vehicle reached near Shani Temple, Bedubagar, the left front tyre of the jeep suddenly burst, causing the vehicle to overturn on the road. As a consequence of the accident, several passengers sustained injuries and one of them unfortunately</p> |



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|  |  | <p>succumbed to the injuries. It is further submitted that, during the course of investigation, the vehicle was subjected to technical inspection. The technical inspection report records that the left front tyre of the vehicle had burst, whereas the remaining tyres were found to be in proper condition. The report further notes that the brake pipe was also found to have burst. Learned counsel submits that the Investigating Officer also recorded the statements of the passengers and other eyewitnesses under Section 180 of the B.N.S.S., 2023, wherein they consistently stated that after the vehicle commenced its journey from Shri Badrinath Ji, the revisionist did not stop the vehicle anywhere, was driving normally, was not under the influence of any intoxicating substance and had not consumed any liquor during the course of the journey. It is also submitted that, after the accident, the revisionist was medically examined at the Government Hospital. Although the medical report mentions the smell of alcohol in the breath of the revisionist, no blood sample was collected for determining the alcohol concentration in his blood.</p> <p>4. Learned counsel for the revisionist further submits that, in view of Section 185 of the Motor Vehicles Act, 1988, a person can be said to be driving under the influence of alcohol only when the alcohol content in his blood exceeds 30 mg. per 100 ml. of blood, as detected by a breath analyser or other prescribed test. It is argued that in the present case neither any breath analyser test indicating the prescribed alcohol concentration nor any blood test was conducted. Therefore, the mere observation regarding the smell of alcohol in the breath of the revisionist cannot, by itself, constitute sufficient</p> |
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|  |  | <p>material to infer intoxication so as to attract the ingredients of Section 105 of the B.N.S.S., 2023. It is further contended that the Investigating Officer collected no material indicating that the accident occurred due to rash or negligent driving on the part of the revisionist. On the contrary, the technical inspection report attributes the accident to the bursting of the left front tyre and the statements of the eyewitnesses do not disclose any act on the part of the revisionist suggestive of rashness, negligence or intoxication. It is, therefore, submitted that the learned Sessions Judge, without properly appreciating the material collected during investigation, mechanically framed the charge under Section 105 of the B.N.S.S., 2023.</p> <p>5. Having considered the submissions advanced by the learned counsel for the revisionist and upon perusal of the material available on record, this Court finds that the material collected during investigation does not prima facie disclose the essential ingredients necessary for framing a charge under Section 105 of the B.N.S.S., 2023. The technical inspection report indicates that the accident occurred on account of the bursting of the left front tyre of the vehicle. The statements of the eyewitnesses recorded during investigation do not attribute rash or negligent driving to the revisionist, nor do they indicate that he was under the influence of any intoxicating substance at the relevant time. Furthermore, although the medical examination records the smell of alcohol in the breath of the revisionist, no blood sample or any other scientific test was conducted to establish that the alcohol concentration exceeded the statutory limit prescribed under Section 185 of the Motor</p> |
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|  |  |  | <p>Vehicles Act, 1988.</p> <p>6. In these circumstances, this Court is of the considered opinion that there was no sufficient material before the trial Court to form a prima facie opinion for framing a charge under Section 105 of the B.N.S.S., 2023. Consequently, the order dated 11.12.2025 passed by the learned Sessions Judge, Chamoli is liable to be interfered with to the aforesaid extent.</p> <p>7. Accordingly, the Criminal Revision is partly allowed. The charge framed against the revisionist under Section 105 of the B.N.S.S., 2023 is hereby set aside. However, the charges framed against the revisionist under Sections 125(a), 125(b) and 281 of the B.N.S.S., 2023 shall remain unaffected and the learned trial Court shall proceed with Sessions Trial No.14 of 2025 in accordance with law.</p> <p style="text-align: right;"><b>(Alok Mahra, J.)</b><br/>08.07.2026</p> <p><i>Arpan</i></p> |
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