

Culpable homicide case against killer driver

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BANGALORE: For the first time in the State, a speeding car driver who allegedly ran amok killing a cyclist and injuring eight others in the City on Sunday night, will be slapped with the non-bailable charge of culpable homicide.

The Bangalore City traffic police have invoked Section 304 of IPC against

car driver Akbar Khan (24), who mowed down cyclist Vijay D'Souza on Shampur Road in the Frazer Town traffic police limits.

Section 304 pertains to culpable homicide not amounting to murder and covers acts which are resorted to despite knowing fully well that they are likely to cause death though there might not be such an intention. The maximum punishment prescribed



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PRAVEEN SOOD
ACP, Traffic & Security

under the section is up to 10 years in jail.

Additional Commissioner of Police (Traffic & Security) Praveen Sood told

Deccan Herald, "Imagine a person venturing out to drive without even a primary knowledge of driving.

"We are convinced that it is not negligence. So, we have decided to press the culpable homicide charge on the accused under Section 304 of IPC." Though the charge-sheet has not yet been filed, Sood said: "There might be some administrative hurdles but we will see to it

that the charge holds."

No licence

However, it has turned out that Akbar Khan, working for a furniture shop, had neither a license nor any first-hand experience at driving. The car belonged to one Sudarshan of Bangarpet, who had left it for sale at Gopal Garage near Shampur Road.

Continued on Page 9

Culpable homicide case against driver

Continued from Page 1

Mechanic Mujahiddin, who had taken the car for repair, took the vehicle for a trial ride. Mujahiddin, meanwhile, got a call and had to leave on some urgent errand. He parked the car near Akbar's shop, borrowed his bike and left.

Before the mechanic left, Akbar got the car keys from him on the pretext of listening to the music sitting inside the car. As Akbar listened to the music sitting in the driver's seat, a

few other friends joined him.

Soon the banter reached a crescendo and someone turned on the ignition key. The car engine sprang into life and the vehicle began moving.

As it was downhill, it picked up pace.

Delighted at his maiden ride, Akbar pressed the accelerator.

The car vroomed and hit a two-wheeler, a series of pedestrians, the cyclist and a compound wall before grinding to a halt.

WHAT THE LAW SAYS

Section 304, IPC: Punishment for culpable homicide not amounting to murder — Whoever commits culpable homicide not amounting to murder shall be punished with imprisonment for life or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine, if the act by which the death is caused is done with the intention of causing death, or of causing such bodily injury is likely to cause death.

or with imprisonment of either description for a term which may extend to 10 years or with fine, or with both, if the act is done with the knowledge that it is likely to cause death, but without any intention to cause death or to cause such bodily injury as is likely to cause death.

Usually, the charge invoked against vehicle drivers involved in fatal mishaps was under Section 304A of IPC which reads: 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.

There have been instances of Section 304 being invoked in vehicular accident cases elsewhere in the country, notably against Bollywood actor Salman Khan and Aliston Pereira.