
(1999) 11 MP CK 0025
In the Madhya Pradesh High Court
Case No : Criminal Revision No. 670/99

Dr. Kailashchandra

APPELLANT

Vs

State of M.P.

RESPONDENT

Date of Decision : 17-11-1999

Acts Referred:

Penal Code, 1860 (IPC) — Section 304A

Citation : (2000) 1 ALT(Cri) 16 : (2000) 1 MPHT 545

Hon'ble Judges : Jayant Govind Chitre, J

Bench : Single Bench

Advocate : Jaisingh, for the Appellant; Viveksaran, Panel Lawyer, for the Respondent

Final Decision : Dismissed

Judgement

J.G. Chitre, J.—It is evidence on record as well as the Judgment which has been put to challenge.

2. Shri Jaisingh submitted, that the charge is erroneous and, therefore, the Trial Court has committed an error in convicting and sentencing the petitioner.

3. The charge clearly shows that petitioner has been charged and committed the act of rashness, which is punishable in view of the provisions of Section 304A of the Indian Penal Code.

4. Apart from that the evidence of prosecution witnesses examined by prosecution equivocally proves that, petitioner committed the rash act in giving injections of tetracycline and chloroquine without caution test. The evidence on record shows that the deceased boy was not having prima facie symptoms of malaria. The evidence further shows that, petitioner did not prepare the papers which are required to be prepared before injecting those two injections mentioned above. The blisters appearing on hips of deceased with redishness immediately after the administration of injections, cannot be ignored. The medical evidence showed that there was irruption on the whole body in the form

of blisters. It shows that there was out burst of histamine. A doctor is professionally expected to prepare the record before administering the injections for making a note as to why he was administering those injections to the patient. Non-preparation of such papers, or, not keeping a note of symptoms observed by him which made the petitioner to inject those two injections is nothing but the rashness, which is culpable under the provisions of Section 304A of the Penal Code. Such rash and negligent Medical Practitioners have started playing with the life of innocent persons and, therefore, for the purpose of sounding an alarm to such persons for protection of the larger interest of the society, it is necessary to inflict such sentence on such offenders. Therefore, the sentence is also not severe.

5. I do not find any way the impugned judgment and order of conviction and sentence are improper, incorrect or illegal. Thus, the revision petition stands dismissed and not admitted.