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HIT AND RUN, BAIL, NOT JAIL: SALMAN DETERED
PAIN FOR SOME AND JOY FOR OTHERS!

DR. JOHN MOHAN RAZU[1]

In a long awaited judicial process that spanned 12-odd years, 49-year old Bollywood super-star, known for his macho, formidable avatar on screen, who played romantic and action hero with equal aplomb broke down when the judge pronounced him guilty in a 12-year-old hit and run case. A Sessions court in Mumbai convicted and sentenced the actor to five years rigorous imprisonment in the 2002 hit-and-run case where a man died and four others were injured after coming under his car on the 6th of May, 2015, which was later suspended by Bombay High Court on the 8th May, 15.

However, the actor secured interim bail in a record two hours from the Bombay High court till Friday (8th May, 2015) and went back home in the evening instead of jail, on the ground that he had been handed over only a 2-page operative part of the sessions court verdict and not a detailed order explaining the reasons for his conviction. Earlier in the day, Additional Sessions Judge D.W. Deshpande passed judgment of the trial in the packed courtroom.

Giving the gist of the reasons that prompted him to arrive at delivering the judgment he said, "I have come to the conclusion that you were driving the car and you were responsible for the accident. It is not probable that you were not driving the car. I considered all the cross-examination done by your advocate about the fermentation of blood and it is also proved that you were drunk and did not possess a valid driving license at the time of accident. All charges against you have been proved. I also did not believe that the man died because the car fell on him when it was being lifted and the accident happened due to the tyre burst …" –D.W. Deshpande, Additional Sessions Judge.

The Judge said Salman will remain in the same bail as was granted to him during trial having considered that he was on bail throughout the trial. Courtroom 52 was packed right from the morning and when the court resumed hearing at about 1.25 pm, Judge Deshpande asked Salman what he had to say before the verdict was pronounced. The actor replied calmly that he was not driving the car at the time of the accident. Nonetheless, when he finally announced his verdict, "All charges against you are proven. Court has come to conclusion that you were driving the car under the influence of alcohol." When he heard the Judge's verdict Salman broke down.

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There have been mixed response on the judgment. Policemen and the prosecution have hailed Salman Khan's conviction calling it a "triumph" of the law and vindication of their hard work in building the case." Bureaucrat-turned-lawyer Aboha Singh, who had filed PILs in connection with the case that pointed to several holes in the investigation, said "the judgment was a vindication of justice and should be seen as a "deterrent" against committing crimes." "Compensation matters more than conviction," say the victims of the 2002 hit-and-run case in which Bollywood star Salman Khan has been sentenced to five years in jail. Adding further, Mohammed Abdulla Shaikh, who survived the 2002 crash, does not care about the punishment handed out to Salman. "The order won't change my life. I don't want him to be punished as it will not help me in any way. What we expect is help from him."

Abdullah Rauf Shaikh, who lost a leg in the accident, said that, "Nobody came to visit me in the last 13 years. I am forced to do petty jobs to support my family and face a lot of problems." "However, I have no hard feelings for him. I still watch his movies," he said. On the other hand, some celebrates took that adage 'offence is the best form of defense' too seriously, as they blamed the government, the poor and even the roads but Salman, for the crime and conviction. At the forefront of this offence was Farah Khan Ali, jewellery designer by profession and sister of actor Azyed Khan and wife of DJ Aqueel expressed that "It's like penalizing a train driver because someone decided to cross the tracks and got killed in the bargain".

Abhijeet, a well known singer, in Hindu said" Roads garib ke baap ki nahi hain" and added that "Kutta rd pe soyega kutte ki maut marega, road garib ke baap ki nahi hai I was homeless a year never slept on road". "It doesn't matter what anyone or any court says he doesn't deserve this at any level … will stand by Salman Khan no matter what." While Parineeti Chopra expressed her view that "Hope the judge sees the beauty of a human being that Salman Khan is." Sushmita Sen likewise uttered, "Harsh sentencing doesn't mean justice." Former Member of Parliament Millnd Deora voiced out his view that "India's judiciary may have spoken, but for those of us whose lives has touched so deeply his sentence is a major setback."

Bollywood as expected is shaken by this verdict and keep its fingers crossed. Salman has Rs. 200 crore riding o his next two releases. Further, some contend that he is a founder of Being Human. He also supports three schools and has helped facilitate the heart surgery of over 600 children. This community service will be affected. A Bollywood trade analyst says, "It is not because he has an X number of films in the Rs. 100-club that he is considered No.1 in the Bollywood hierarchy today. It is because his heart beats for the poor that he enjoys popularity at the grassroots'

level." But Pradeep Gharat, the prosecutor opines that "Everyone knows him and watches his every move. The sentence should act as a deterrent and an exemplary one is necessary. There have two sides of views, opinions and expressions keep emerging on Salaman's verdict. 240-page judgment contains many important components that clearly delineate ground breaking substance. It has not been swayed by illations, feelings and perceptions.

Since the verdict there have been twists and turns, sorrows and joys and huge mixed feelings and opinions across the country over this issue. Is it because of Salman Khan, No. 1 super-star, known for his superb roles in Bollywood movies? Whatever may be the reasons, many get killed everyday due to careless and negligent driving and riding. Children, young and old get killed by two and four wheelers. In India the lives lost in road accidents runs to thousands. The hit-and-run tops everything. In most cases people hardly could hardly identify and bring them before judiciary. Others caught in the act manage to get out of it by paying paltry compensation or in other case legal wrangling runs to several years. By then the victims may not have enough money to sustain the case or eventually die. This is the real scenario of those who are the victims or next to kin or the spouse and family of the deceased.

However, in most of the hit-and-run cases, if the vehicles' numbers are identified and tracked down the vehicle drivers by hook or crook hush up the cases by paying huge sums to the concerned. Hardly the cases are reported and brought before the court of law. I have lost my young nephew aged 19 and a few known people in hit-and-run. For years the cases were lingering in the court of law and after many years the compensation the families received was paltry. There are cases that get hushed up by paying huge sums of money. Who are the losers? Certainly, it is those who have lost their dear and near ones. Further, due to the drunken or over speed or other factors, the innocent people who lose their lives, limbs or disabled by the crash or mowing, whether young or old pay the price along with their families.

By and large, the poor known for homelessness live on the pavements are usually being mowed down by the speeding vehicles. Those pedestrians who have no proper pavements as they walk get crushed by the vehicles for varied reasons. Nowadays the corporations have in most areas totally removed the pavements and in other cases narrowed down space of the pavements. Strangely, Abhijeet's comments such as only dogs sleep on the pavements and not human beings. What he tried to say was those who sleep like dogs would obviously get killed. He fails to understand pavements are meant for the people to walk and not for the four wheelers to drive on the pavements. The roads are for the vehicles to be driven. Those who are at the wheels should know the difference. The urban poor basically live on the pavements.

They cannot afford for a roof in any metropolis such as Mumbai, Chennai, Bengaluru, Kolkutta, Delhi and other cities because they cannot afford such big monies. They do not want live and sleep on the pavements, but they have no other go. It is not out of their choice, but due to compulsions. In India poor pay the brunt.

Those who are mowed down, hit and get crushed under the wheels many die, some lose their parts and suffer the rest of life. Let not the super-rich, celebrities and the middle-class pass on or make insensitive and loose comments at poor as if they are lesser human beings to be treated like dogs. Mohammed Abdulla Shaikh, a witness in the case, said, “We heard good things about Salman in our village and in Mumbai. We heard that he helps the poor and needy. But he did nothing for us. I used to think that he will come to us; try to understand our family problems and provide us help, but it remained a fantasy. I believe that all these helping stories are imaginary.”

In 2007, on advice of the court direction, he and the other three wounded victims got compensation of Rs. 3 lakh each. Shaikh said out of that they had to pay Rs. 1.2 lakh each in legal charges. Since he had sustained leg fractures spent two months in a hospital and then went to his native place in UP, where he recuperated for over a year. Since he was the only earning member of his family for about two years, his family survived on loans provided by relatives and friends. He has four children. He returned to Mumbai in 2003, “but A-1 Bakery (Hill Road, Bandra) where he used to work refused to take him back”. So he worked for another bakery and used to be ridiculed and by his colleagues about the case. Shifting baking trays, he said, “People like me get work till we remain physically fit. We have to regularly struggle hard to earn our livelihood and help our families. We have had no time to follow the case or the verdict.” Salman’s case has not ended and will re-open in July, 2015.

Some are hiding after hit-and-run case. They think that they could get away with that. For them judiciary may not give verdict “guilty” or “not gully”, but their conscience will hit them up. It is that guilt that will haunt them as long as they live. They may have hoodwinked or escaped the law of the land, but not their conscience. Whoever “killed” or “grievously injured“ while walking, sleeping on the pavements, riding on the bi-cycles are obviously the poor, dispossessed, disempowered and treated as “species from some other planet” hit-and-run cases should be held guilty. Certainly one day or the other they would get caught. Equality before the law is the lodestone of democracy. Whether those driving in a big SUVs or poor men/women sleeping on a dimly lit pavements or riding on bi-cycles on highways. In modern society taking someone’s life must have consequences.
