

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR no. 1362 of 2006 (O&M)
Date of Decision : 13.05.2015

Kirpal Singh

....Petitioners

Versus

State of Haryana

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

Present : None for the petitioner

Mr. P.S.Chauhan, Addl. AG, Haryana with
Mr. Himmat Singh, AAG, Haryana

MAHESH GROVER, J.

There is no representation on behalf of the petitioner. Even on the previous date of hearing there was no representation on his behalf. The Court has perused the impugned judgments vide which the petitioner stands convicted as below:-

Under Section 279 IPC RI for a period of one month and to pay a fine of Rs. 200/-.

Under Section 304-AIPC RI for a period of one year and to pay a fine of Rs. 1000/-.

The facts would indicate that a truck being driven by the petitioner bearing no.HR-37-A-9107 was coming from the side of Ambala when it was hit by a truck bearing no. HR-37-2571 which was going from Ismailabad to Sonapat resulting in the death of one Malkiat Singh, driver of truck bearing no. HR-37-2571. Both the Courts convicted the petitioner – Kirpal Singh.

The Court has perused the grounds of revision and finds that the petitioner questions his negligence and disputes the accident itself by

referring to the delay in FIR. A perusal of the impugned judgments would reveal that the petitioner's identity in driving offending vehicle was not in question. After the accident both the vehicles were found at the spot. They had turned turtle. The petitioner being driver of truck did not lead any evidence to prove his false implication. The factum of his being the driver of the truck was duly established.

The site plan of the accident has been perused by this Court from the records available on the file of the Court which indicates that the truck driven by Malkiat Singh deceased was on its left hand side. Point 'A' depicted in the site plan is the point where accident took place which is towards the left hand side. It is the truck driven by the petitioner which came beyond the centre of the road from the opposite side of Malkiat Singh's truck to confront the vehicle driven by the deceased. After the accident offending vehicle is depicted at point 'C' which also seems to be a natural path where a vehicle would veer around.

For the aforesaid reasons when the site plan clearly depicts the placement of vehicles the principle of *res ipsa loquitur* would reflect the negligence of the petitioner and since the identity of the petitioner as also his vehicle's is not in dispute, I find no redeeming feature in favour of the petitioner. Besides it is a revision petition where the scope of interference is limited and once the evidence on record points to the involvement of the petitioner and also indicates his negligence there is no reason to deviate from the reasoned findings recorded by the Courts below.

Hence, dismissed.

May 13, 2015
rekha

(Mahesh Grover)
Judge