

CRR No.2422-2006 (O&M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRR No.2422-2006 (O&M)
Date of decision: 23.09.2015**

Naresh Kumar

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Raghav Goel, Advocate,
for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

SABINA, J

Petitioner had faced trial in FIR No.159, dated 19.04.1999, under Sections 279, 337 and 304-A of the Indian Penal Code, 1860 ('IPC' for short), registered at Police Station Chandnibagh, Panipat. Trial Court vide judgment/order dated 01.05.2006 ordered the conviction of the petitioner qua commission of offence punishable under Sections 279 and 304-A IPC. The said conviction and sentence of the petitioner were upheld by the Appellate Court in Appeal vide order dated 04.11.2006. Hence, the present petition.

I have heard learned counsel for the petitioner and the learned State counsel and have gone through the record

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available on the file carefully.

Prosecution story, in brief, is that on 18.04.1999, complainant Krishan alongwith Ram Mehar, Raj Singh, Raj Pal and Raja were returning to their village on their tractor after sale of vegetables in New Grain Market, Panipat. Raj Pal was driving the tractor. At about 08:30 p.m., when they reached in front of Bank of India on G.T. Road, a truck bearing No.HTR-7855 driven by the petitioner came from behind and stuck against the tractor trolley. As a result of this, trolley turned turtle. Ram Mehar and Raja suffered injuries. Raja and Raj Pal had died on the way to the hospital.

In order to prove its case, prosecution examined complainant-Krishan as PW-1 and Ram Mehar as PW-4. Complainant as well as PW-4 Ram Mehar duly supported the prosecution case during trial.

Since, in the present case, petitioner while driving the truck in question had struck the tractor trolley from behind which had resulted in the death of Raj Pal and Raja, the Courts below had rightly ordered the conviction and sentence of the petitioner under Sections 279 and 304-A IPC.

Keeping in view the fact that the petitioner is facing criminal proceedings since the year 1999, the sentence of imprisonment of the petitioners is liable to be reduced from rigorous imprisonment for two years to rigorous imprisonment

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for one year.

Accordingly, conviction of the petitioner under Sections 279 and 304-A is maintained. However, sentence of the imprisonment is reduced from rigorous imprisonment for two years to rigorous imprisonment for one year.

Petition stands disposed of, accordingly.

September 23, 2015
kapil

(SABINA)
JUDGE