

In the High Court of Punjab and Haryana at Chandigarh

**Crl. Revision No. 1037 of 2015 (O&M)
Date of Decision: 13.8.2015.**

Amandeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. R.K.Chandana, Advocate
for the petitioner.

Ms. Priyanka Sadar, AAG, Punjab.

SABINA, J.

Petitioner had faced trial under Section 304 of the Indian Penal Code, 1860 ('IPC' for short) in FIR No. 193 dated 19.6.2003 registered at Police Station Sarabha Nagar, Ludhiana. Trial Court vide judgment/order dated 03.3.2011 ordered the conviction and sentence of the petitioner under Section 304 IPC. Aggrieved against the said judgment/order of his conviction and sentence, petitioner preferred an appeal and the same was dismissed by the Appellate Court vide order dated 9.12.2014. However, sentence of the petitioner was reduced from three years to two years. Hence, the present petition by the petitioner.

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

on the file carefully.

Prosecution story, in brief, is that on 19.6.2003, when the complainant returned home after finishing her work, she saw that her son Rajesh Kumar @ Sonu and Amni (petitioner) and other children were playing in the street. At about 3.00 P.M., when the complainant came to call her son, she saw that petitioner and her son were quarreling with each other. At that time, Pappu, brother-in-law of the complainant, was also present there. Petitioner caught hold of Rajesh from his neck and gave a fist blow on his head. As a result of this, Rajesh Kumar fell down. Thereafter Rajesh Kumar was removed to the hospital where he was declared dead.

Complainant supported the prosecution case during trial. Eye witness Pappu, when examined in the witness box as PW-2, duly corroborated the statement of the complainant. So far as the eye witness PW-3 Ravi Kumar is concerned, he did not support the prosecution version during his cross-examination. Merely because PW-3 had not supported the prosecution version, is no ground to disbelieve the statements of the complainant and the other eye witness PW-2 Pappu. Moreover, ocular version is duly corroborated by medical evidence. There is nothing on record to suggest that the complainant had any reason to falsely involve the petitioner in this case. Hence, the Trial Court rightly ordered the conviction of the petitioner qua commission of offence punishable under Section 304 IPC. The Trial Court had sentenced the petitioner to undergo imprisonment for three years and the Appellate Court has reduced the said sentence from three years to two years.

In the facts and circumstances of the present case, no

ground for interference by this Court is made out.

Dismissed.

**(SABINA)
JUDGE**

**August 13, 2015
Gurpreet**