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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.2313 of 2015 (O&M)

Date of decision: December 21, 2015

Gajraj @ Chhote Lal

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Ajay Kamboj, Advocate for
Mr. Paramjit Singh Jammu, Advocate
for the petitioner.

Ms. Trishanjali Sharma, AAG Haryana.

SABINA, J

Petitioner had faced trial in FIR No.15 dated 17.02.2008, under Sections 337, 304-A of Indian Penal Code, 1860 ('IPC' for short), registered at Police Station Satnali.

Trial Court vide judgment/order dated 10.01.2014/14.01.2014 ordered the conviction and sentence of the petitioner qua commission of offence punishable under Sections 337, 304-A IPC. In an appeal filed by the petitioner, conviction and sentence of the petitioner as ordered by the trial Court were upheld by the Appellate Court vide order dated 13.05.2015. Hence, the present petition by the petitioner.

I have heard learned counsel for the parties and have gone through the record available on the file carefully.

Prosecution story, in brief, is that on 17.02.2008, Sher Singh and Dod Ram were going to village Jairpur for some personal work. Santra along with her grandson Ram Mehar were walking ahead of them. At about 2:30 PM, a Max vehicle without

number plate driven by the petitioner, came from behind and struck against Santra and her grandson. As a result of this, Santra died at the spot. Ram Mehar suffered injuries and was removed to the Hospital for treatment.

After completion of investigation and necessary formalities, challan was presented against the petitioner. Prosecution, in order to prove its case, examined Dod Ram as PW1, injured Ram Mehar as PW2 and Sher Singh as PW7. The said witnesses duly supported the prosecution case.

Both the Courts below after going through the evidence on record, have held that the accident in question had taken place due to rash and negligent driving of the petitioner while driving the offending vehicle. The vehicle driven by the petitioner was taken in possession from the spot. As per the prosecution case, petitioner had struck against the deceased and the injured from behind while they were walking on their correct side and on the unmetalled portion of the road. Thus, the Courts below had rightly ordered the conviction and sentence of the petitioner qua commission of offence punishable under Sections 337, 304-A IPC.

In the facts and circumstances of the present case, no ground for interference by this Court is made out.

Dismissed.

**(SABINA)
JUDGE**

December 21, 2015
mahavir