

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.23665 of 2015
and
Criminal Revision No.2673 of 2015

.....

Date of decision:18.9.2015

Rattan Singh

...Petitioner

v.

State of Punjab

Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Sanyam Malhotra, Advocate for the petitioner.

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Inderjit Singh, J.

Cr. Misc. No.23665 of 2015:

For the reasons mentioned in the criminal miscellaneous application, the delay of 92 days in filing the criminal revision petition is condoned.

The criminal miscellaneous application stands disposed of.

Cr. Rev. No.2673 of 2015:

The petitioner has filed this criminal revision petition under Sections 397 and 401 Cr.P.C. challenging the impugned judgment dated 12.1.2015 passed by the learned Additional Sessions Judge, Fatehgarh Sahib, dismissing the appeal filed against the judgment and order dated 19.3.2014 passed by learned Judicial Magistrate Ist Class, Fatehgarh Sahib.

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

The brief facts of the case are that on 27.9.2006, a telephonic message was received by ASI Harmeet Singh regarding accident and he along with police officials reached the Civil Hospital, Fatehgarh Sahib and recorded statement of Jaspreet Singh and Jagtar Singh. Jagtar Singh made statement that he is a resident of above mentioned address and is 26 years old and does agriculture work. On 26.9.2006, he was going on his motorcycle bearing registration No. PB-23-C-2252 make Splendor and Jaspreet Singh was sitting as a pillion rider. At some distance from them in front of them Sultan Mohammed and Sehaj Mohammed were also going on their motorcycle bearing No.PB-52-7584 which was driven by victim Sehaj Mohammed, who suffered serious injuries and he died on the spot. Sultan Mohammed died in the hospital. Jagtar Singh stated that the accident occurred on account of rash and negligent driving of truck driver. The driver of the truck ran away from the spot.

After presentation of challan against the accused and after framing charges and the prosecution produced the evidence, the learned Judicial Magistrate Ist Class, Fatehgarh Sahib convicted the accused for the offences under Sections 279, 337, 338 and 304-A IPC. He has been sentenced to pay fine of ₹1000/- and in default of payment of fine to further undergo rigorous imprisonment for one month for the offence under Section 279 IPC. He has also been sentenced to pay a fine of ₹500/- and in default of payment of fine to further undergo rigorous imprisonment for one month for the offence under Section 337 IPC. He has also been sentenced to

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undergo rigorous imprisonment for three months and to pay a fine of ₹1,000/- and in default of payment of fine to further undergo rigorous imprisonment for one month for the offence under Section 338 IPC. He has also been sentenced to undergo rigorous imprisonment for two years and to pay a fine of ₹1,000/- and in default of payment of fine to further undergo rigorous imprisonment for one month for the offence under Section 304-A IPC. However, all the substantive sentences have been ordered to run concurrently.

The appeal filed by convict Rattan Singh before the learned Additional Sessions Judge was also dismissed vide judgment dated 12.1.2015. Aggrieved against the impugned judgments of the Courts below, the present revision petition has been filed.

After hearing learned counsel for the petitioner and going through the record I find that first of all it is a revision petition and in the revision petition, the Court is not to re-appreciate the evidence like the Court of appeal. The Court is to see whether the order passed by the learned Court below is illegal, perverse or some material evidence has not been discussed or the evidence has not been discussed in the right perspective. After going through the record especially the judgment passed by the Courts below, I find that no illegality has been committed by the Courts below. Learned counsel for the petitioner has not pointed out anything which material evidence has not been considered and discussed in the right perspective or which material evidence has been misread by the Courts below. No illegality has been shown in the findings recorded by the Courts below. There is nothing to show that these judgments are perverse.

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The learned Courts below have discussed in the detail regarding the identity of the accused. PW-10 in his statement has stated that he had seen the accused, who was running away from the spot and he is the same person who was present in the Court. The fact regarding the accident is that the same occurred due to the rash and negligent driving of revision petitioner. The trial Court has held that the prosecution has remained successful in bringing home the guilt of the accused despite the best efforts of the defence and there is no reasonable doubt exists in the prosecution version. Further, no illegality has been committed by the Courts below while convicting and sentencing the accused nor any evidence has been misread by the Courts below. In no way, the findings given by the Courts below can be held as perverse or against the evidence.

Therefore, from the above, I find that the findings recorded in both the judgments passed by the Courts below are correct, as per evidence and law and have been given with sound reasoning, which do not require any interference from this Court and the same are upheld.

Finding no merit in the criminal revision petition, the same is dismissed.

September 18, 2015.

(Inderjit Singh)
Judge

hsp