

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRR No.2873 of 2015 (O&M)****Date of Decision: September 17, 2015**

Rajjak

...Petitioner

VERSUS

State of Haryana

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Ashish Gupta, Advocate
for the petitioner.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Rajjak against State of Haryana, challenging the impugned judgment of conviction dated 29.11.2014 and order of sentence dated 01.12.2014 passed by learned Judicial Magistrate Ist Class, Mewat, vide which the petitioner was convicted under Sections 279 and 304-A IPC and sentenced to undergo rigorous imprisonment for a period of 1½ year and to pay fine of ₹500/- under Section 304-A IPC besides other sentence under other Section and also challenging the judgment dated 22.07.2015 passed by learned Addl. Sessions Judge, Mewat, vide which appeal filed by petitioner was dismissed.

The brief facts of the case are that on 15.10.2009, ASI Rajinder received information on telephone that an accident has taken place at hill of Beema between a truck and motorcycle and in that

accident a person has died on the spot. When the police party reached the spot, Rahim Bux was present there. His statement was recorded in which he stated that his son Sahabuddin, daughter-in-law Amina and two children Sarif and Hasrat were riding on a motorcycle bearing registration No.DL-7TCS-0113 and returning from village Dhulawat and going to village Saral. He (Rahim Bux) and his son Sallauddin were following them on a separate motorcycle. At about 5.00 P.M., they reached near about hills of Kala and Beema and suddenly, a LP truck bearing registration No.HR-38N-7671 being driven by its driver in a rash and negligent manner, came from the side of Taura and directly hit the motorcycle of his son from backside and crushed his son and daughter-in-law under the vehicle. Sahabuddin had died on the spot whereas Amina died on the way to the hospital. He further stated that his grandson also sustained injuries and the child who was in the womb of Amina also died in this accident. The offending vehicle also bashed into another motorcycle and two persons who were seated on that motorcycle also sustained injuries. The driver of the offending vehicle fled away from the spot.

At the time of arguments, learned counsel for the petitioner argued that the identity of the accused-petitioner has not been proved as no test identification parade has taken place. Therefore, he argued that the revision petitioner is entitled to acquittal.

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

From the record, firstly I find that it is a revision petition

and in the revision petition, this Court is not to re-appreciate the evidence like Court of an appeal. The concurrent findings have been given by the Courts below regarding the identity of the accused-petitioner and the fact that accused was driving the offending truck in rash and negligent manner and has caused the accident resulting into the death of Amina, Sahabuddin etc. Both the Courts have discussed the evidence and has relied upon the statement of eye witness, who deposed that he has seen the driver on the spot and believed his statement. The statement given in the Court is a substantial piece of evidence and the test identification parade is only a corroborative piece of evidence.

Furthermore, the accused was produced before the police on 20.10.2009 by Khillu Ram and documents of the offending truck as well as the driving licence of the accused were taken into police possession vide recovery memo. There is nothing on the record to show that accused has been falsely implicated nor the accused has given any representation to the higher authorities regarding his false implication. Even Khillu Ram has not been examined by the accused to prove that he was not produced by him before the police.

In view of the evidence on record, I find that findings given by the Courts below are correct, as per law and evidence. There is nothing on the record to show that these findings are perverse or against the law. Nothing has been pointed out as to which material evidence has not been appreciated correctly nor anything has been pointed out as to which material evidence has not been considered by

the Courts below.

In view of the above discussion, I find that the judgments passed by learned Courts below are correct, as per evidence, law and do not require any interference from this Court and the same are upheld.

Therefore, finding no merit in the present petition, the same is dismissed.

September 17, 2015
Vgulati

(INDERJIT SINGH)
JUDGE