

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Revision No.295 of 2015 (O&M)

.....

Date of decision:28.1.2015

Satyawan

...Petitioner

v.

State of Haryana

Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Jasjit Singh Bedi, Senior Advocate with Ms. Diya Sodhi,
Advocate for the petitioner.

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Inderjit Singh, J.

This criminal revision petition has been filed under Section 401 Cr.P.C. challenging the impugned judgment dated 20.1.2015 passed by learned Additional Sessions Judge, Sonapat, whereby the appeal against the impugned judgment and order dated 11/12.9.2012 passed by the learned Judicial Magistrate Ist Class, Sonapat, convicting and sentencing the petitioner for the offences under Sections 279 and 304-A IPC has been dismissed.

It is stated in the criminal revision petition that the impugned judgment and order dated 11/12.9.2012 passed by the learned Judicial Magistrate Ist Class, Sonapat, thereby convicting the petitioner under Sections 279 and 304-A IPC and the impugned judgment dated 20.1.2015

passed by learned Additional Sessions Judge, Sonapat, thereby dismissing the appeal of the petitioner and affirming the judgment of the trial Court are totally against facts and law.

I have heard learned senior counsel for the petitioner and have gone through the record specially the judgments passed by the learned Courts below.

The brief facts of the case are that on 8.3.2007 in the area of Police Station Kharkhoda, accused-petitioner drove his vehicle bearing registration No.HR-12H-1948 on the public way in a rash and negligent manner, so as to endanger life and personal safety of others and caused death of Master Amit. The matter was reported to the Police and the FIR was registered.

A perusal of the record shows that both the Courts below have given concurrent findings regarding the guilt of the accused-petitioner and also regarding conviction and sentence of the present revision petitioner.

Learned senior counsel for the petitioner argued that the injured was taken to the hospital by some other person, namely, Ram Chander as per MLR, but the complainant PW-1 Vinod Kumar says that he had taken the injured/deceased to the hospital. He further argued that the person who was accompanying the deceased was not examined. There is also no independent witness. He further argued that the identification was only made in the Court and no identification parade had taken place.

This is a revision petition and in the revision petition the

Court is not to re-appreciate the evidence like a Court of appeal. The petitioner is to show that as to what findings are against the law or the evidence produced on the record or whether the judgments passed by the Courts below are perverse or some material evidence has been misread or some material evidence has not been considered by the Courts below. Nothing has been pointed out at the time of arguments that any material evidence has been misread or not considered by the Courts below. Nothing has been shown as to how the judgments passed by the Courts below are perverse. There is also nothing in the judgments that these are against the law. The eye witness has duly supported the prosecution version and has identified the accused/petitioner in the Court. Identification in the Court is substantial piece of evidence, whereas the identification parade is only corroborative piece of evidence. The mere fact that in the MLR Ram Chander has been mentioned, who had brought the patient to the hospital, is also no ground to disbelieve the whole prosecution version. If the independent witness has not been examined, it will not be fatal to the prosecution case.

In view of the above discussion, I find that the findings of the Courts below regarding the conviction of the revision petitioner for the offences under Sections 279 and 304-IPC and sentencing him to undergo rigorous imprisonment for six months and to pay a fine of ₹500/- and in default of payment of fine to further undergo imprisonment for 15 days for the offence under Section 279 and to undergo rigorous imprisonment for one year and to pay a fine of ₹500/- and in default of payment of fine to

further undergo imprisonment for 15 days for the offence under Section 304-A IPC, are as per law which do not require any interference from this Court and the same are upheld.

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

January 28, 2015.

(Inderjit Singh)
Judge

hsp