

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRR No.2953 of 2015 (O&M)****Date of Decision: August 31, 2015**

Safi Alam

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGHPresent: Mr.M.D.Khan, Advocate
for the petitioner.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Safi Alam against State of Haryana, challenging the impugned judgment of conviction dated 05.05.2014 and order of sentence dated 06.05.2014 passed by learned Sub Divisional Judicial Magistrate, Hathin, vide which the petitioner was convicted under Sections 279, 337 and 304-A IPC and sentenced him to undergo rigorous imprisonment for a period of one year and to pay fine under Section 304-A IPC besides other sentences under other Sections and also challenging the judgment dated 08.06.2015 passed by learned Addl. Sessions Judge, Palwal, vide which appeal filed by petitioner was dismissed.

At the time of arguments, learned counsel for the petitioner argued that findings given by the Courts below are not as per law, evidence and liable to be set aside. He further argued that

prosecution has not proved its case by leading cogent evidence and the identity of the petitioner has also not been proved.

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

From the record, I find that FIR in the present case has been registered on the statement of Jagat Singh. As per the prosecution version, on 24.10.2009, Jagat Singh came to Hathin for personal work. He was returning to his village on his bicycle. His brother Rameshwar and his son Hargian @ Banti were going in front of him on separate bicycle. At about 12.30 P.M., when they reached near village Swamika, a truck came from the side of Hathin in a rash and negligent manner and hit the bicycle of Rameshwar. The registration number of the truck was HR-55J-2648. The driver disclosed his name as Safi Alam. People gathered on the spot. Rameshwar was taken to the hospital, however, his son Hargian @ Banti succumbed to the injuries on the spot. The accused fled away taking advantage of the crowd.

After necessary investigation, challan was presented against the accused-petitioner and he was charge-sheeted under Sections 279, 337 and 304-A IPC.

In support of its case, prosecution examined PW-1 Jagat Singh, complainant, PW-2 ASI Durga Parshad, PW-3 Rameshwar, injured, PW-4 Rakesh, PW-5 Roop Singh, PW-6 Dr.Sanjeev Kumar, PW-7 Dr.Vikash Ahuja and PW-8 Constable Mohan Lal. The statement of the accused was recorded under Section 313 Cr.P.c. and

he pleaded his innocence and false implication.

After hearing learned Asstt. Public Prosecutor as well as learned counsel for the accused, learned SDJM, Hathin, convicted and sentenced the accused under Sections 279, 337 and 304-A IPC. Aggrieved from the above-said judgment, an appeal was filed by the petitioner and learned Addl. Sessions Judge, Palwal, dismissed the appeal vide judgment dated 08.6.2015.

Aggrieved from the above-said judgments, present revision petition has been filed.

From the record, especially the judgments passed by the Courts below, I find that prosecution has duly proved its case by leading cogent evidence beyond reasonable doubt. PW-1 Jagat Singh has supported the prosecution version and deposed as per prosecution version. He also gave registration number of the truck. He further stated that driver disclosed his name as Safi Alam and he fled away from the spot. This witness also stated that he is well known to the accused. He also identified the accused in the Court. This witness also deposed that accident had taken place due to rashness and negligence of the accused-petitioner. The Court found that nothing fruitful can be extracted from the cross-examination of the complainant. The statement of the complainant has been duly corroborated by PW-3 Rameshwar, whose son Hargian @ Banti was sitting on the bicycle with him. He also stated that he saw the driver on the spot and the driver fled away from the place of occurrence after ten minutes. The oral statements of these witnesses have been duly

supported and corroborated by medical evidence. The Courts below while appreciating the evidence convicted the accused.

Further, I find that this is a revision petition and in the revision petition, this Court is not to re-appreciate the evidence like Court of an appeal. This Court is only to see whether any illegality has been committed by the Courts below or the reasonings given by the Courts below are perverse or some material evidence has not been discussed or some material evidence has been misread by the Courts below. Nothing has been pointed out as to which evidence has not been considered or which evidence has been misread by the Court. Nothing is pointed out as to how the judgments passed by the Courts below are perverse. Neither illegality has been committed by the Courts below while convicting and sentencing the accused-petitioner nor there is anything that the judgments passed by the Courts below are perverse.

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.

August 31, 2015
Vgulati

(INDERJIT SINGH)
JUDGE