

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.3200 of 2015 (O&M)
Date of Decision: August 31, 2015

Suraj Parkash

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Gurdarshan Singh Sidhu, Advocate
for the petitioner.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Suraj Parkash against State of Haryana, challenging the impugned judgment of conviction and order of sentence dated 11.02.2014 passed by learned Addl. Chief Judicial Magistrate, Jind, vide which the petitioner was convicted under Sections 279, 337, 338 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 05.08.2015 passed by learned Addl. Sessions Judge, Jind, 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 perverse and not as per evidence. He further argued that prosecution has failed to

prove its case beyond doubt and the petitioner has been wrongly convicted and sentenced.

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

From the record, I find that challan under Section 173 Cr.P.C. was presented by the Police Station Alewa in FIR No.83 dated 26.07.2010 under Sections 279, 337, 338 and 304-A IPC. As per the prosecution case, on 26.07.2010 a telephonic message was received from police post, General Hospital, Jind that Laxmi, his son Bhopal and Prem son of Pirthi Singh have been admitted in the hospital due to the injuries received in a road side accident. Then ASI Ranbir Singh went there and he came to know that injured have been shifted to PGIMS Rohtak. Later on, he came to know that the injured were got admitted in Jindal Hospital, Hisar, where, statement of Rajesh Kumar eye witness was recorded, who stated that on the day of occurrence, his mother Laxmi Devi, brother Bhopal along with Prem, son of maternal uncle were going from Jakholi to Gulkani by riding on their motorcycle. The motorcycle was being driven by his brother Bhopal. He (complainant) along with his brother Rajbir was also going from Jakholi to Gulkani by riding on their separate motorcycle. At about 8.00 A.M., when they reached near the school of village Nagura then an Oil Tanker being driven by its driver in a rash and negligent manner, came from Badhana side and when his brother Bhopal was crossing the Nagura Chowk then that tanker driver hit his vehicle and they all fell down and suffered grievous injuries. Thereafter, he got

stopped the oil tanker and asked the name of the driver, who disclosed his name as Suraj Parkash and the registration number of the tanker was noticed as HR-57-0099. Thereafter, when he was busy in attending the injured, then tanker driver fled away by leaving his vehicle at the spot. After some time, a PCR van reached there and injured were got admitted in General Hospital, Jind but after giving first aid to them, they were referred to PGIMS Rohtak but they got admitted at Jindal Hospital, Hisar. On 17.09.2010, Laxmi Devi died and Section 304-A IPC was added.

After necessary investigation, challan was presented against the accused-petitioner and he was charge-sheeted under Sections 279, 337, 338 and 304-A IPC, to which he pleaded not guilty and claimed trial.

Learned JMIC, Jind, after appreciating the evidence, convicted and sentenced the accused under Sections 279, 337, 338 and 304-A IPC. Aggrieved from the above-said judgment, an appeal was filed by the petitioner and learned Addl. Sessions Judge, Jind, dismissed the appeal vide judgment dated 05.08.2015.

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

At the time of arguments, learned counsel for the petitioner argued that there was no negligence on the part of the oil tanker driver-present petitioner, however, from the evidence on record, I find that eye witness has been examined in this case, who has specifically deposed that accident had taken place due to rash and negligent

driving of the oil tanker by its driver. The identity of the accused has been duly proved by the PWs. Otherwise also, the accused-petitioner ran away after leaving the vehicle on the spot. It is the version of complainant that tanker was got stopped and accident took place at the crossing/chowk. He asked the name of the driver of the tanker and when the complainant was busy in taking care of the injured, then the driver slipped away. So, there was sufficient time to recognize the accused-petitioner who was driving the tanker. Therefore, there is no dispute regarding the identity of the accused.

Otherwise also, both the Courts have given findings of fact consistently and it is a revision petition. 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 findings given by the Courts below are perverse i.e. against the evidence. Nothing has been pointed out at the time of arguments, as to which material evidence has not been considered or which evidence has been misread by the Courts below. Also, nothing is pointed out as to how the judgments passed by the Courts below are perverse or illegal.

After going through the record, especially the judgments passed by the Courts below, I find that these judgments are correct and as per law. No illegality has been committed by the Courts below while convicting the accused-revision petitioner.

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 revision petition, the same is dismissed.

August 31, 2015
Vgulati

(INDERJIT SINGH)
JUDGE