

In the High Court of Punjab and Haryana at Chandigarh

CRR No.3304 of 2015 (O&M)
Date of decision: 17.09.2015

Sapat Khan

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr.Sarfraj Hussain, Advocate for the petitioner.

SABINA, J.

Petitioner had faced trial in FIR No. 86 dated 06.09.2007 under Sections 279/304-A of the Indian Penal Code, 1860 ('IPC' for short) registered at Police Station Hassanpur, District Palwal. Trial Court, vide judgment dated 30.1.2013, ordered the conviction and sentence of the petitioner qua commission of offence punishable under Sections 279/304-A IPC. The conviction and sentence of the petitioner, as ordered by the trial Court, were upheld in appeal by the appellate Court vide order dated 22.7.2015. Hence, the present petition by the petitioner.

Prosecution story, in brief, is that on 6.9.2007, Yad Ram was driving a motorcycle bearing No. HR50/3825 from the side of village Khambi. In the meantime, a tanker bearing No. HR38J/5801 came from the Hodal side and the driver of the tanker, by taking his

vehicle on the wrong side, struck against the motorcycle. The tanker was being driven in a rash and negligent manner. As a result of this, the motorcyclist as well as the driver of the tanker suffered injuries. Both the injured were removed to the hospital. Yad Ram, however, succumbed to his injuries.

Learned counsel for the petitioner has submitted that the prosecution had failed to prove its case. The accident had not occurred due to rash and negligent driving of the petitioner. Learned counsel has further submitted that the petitioner had also suffered injuries in the accident.

Prosecution, in order to prove its case, examined the complainant-Mam Raj as PW1 and Likhi Ram, eye witness as PW2. Complainant as well as eye witness PW2 duly supported the prosecution case.

So far as the factum of accident is concerned, the same is not in dispute as the petitioner had also suffered injuries in the accident.

During the course of arguments, learned counsel for the petitioner has shown the site plan Exhibit PW9/C. A perusal of the same reveals that the same corroborates the eye witness account. It is evident that Yad Ram motorcyclist was coming on the correct side of the road, whereas, petitioner by going on his extreme right side of the road had struck against the motorcycle. Hence, in the facts and circumstances of the present case, the Courts below had rightly come to the conclusion that the accident in question had taken place due to rash and negligent driving of the petitioner.

Keeping in view the facts and circumstances of the present case, no ground for reduction of sentence qua imprisonment is made out.

Dismissed.

(Sabina)
Judge

September 17, 2015
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