

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CRR No.3607 of 2015 (O&M)****Date of Decision: September 28, 2015**

Iqbal

...Petitioner

**VERSUS**

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH**

Present: Ms.Monisha Lamba, Advocate  
for the petitioner.

\*\*\*\*

**INDERJIT SINGH, J.**

The present revision has been filed by the petitioner Iqbal against State of Haryana, challenging the impugned judgment of conviction and order of sentence dated 30.01.2014 passed by learned Judicial Magistrate Ist Class, Hathin, vide which the petitioner was convicted under Sections 279 and 304-A IPC and sentenced to undergo rigorous imprisonment for a period of twelve months and also challenging the judgment dated 19.08.2015 passed by learned Addl. Sessions Judge, Palwal, vide which appeal filed by petitioner was dismissed.

The brief facts of the case are that a complaint was made by the complainant Kanhiya Lal that on 17.01.2009, he was going to Mindkola Petrol Pump to fetch some fuel. Pannu was also going with him on another motorcycle. At about 8.00 A.M., when they reached

Sohna T-point, then a dumper/truck bearing registration No.HR47A-0491 came from the opposite side being driven in rash and negligent manner and hit the motorcycle of Pannu and dragged it towards the ditch by the side of the road. Pannu died on the spot and the driver of the dumper ran away from the spot.

After completion of investigation, challan was presented against the accused-petitioner. The prosecution examined PW-1 Kanhaiya Lal, who deposed as per prosecution version. He deposed that dumper was being driven in rash and negligent manner and hit the motorcycle of Pannu and dragged it towards the ditch by the side of the road. He further deposed that Pannu died on the spot. PW-2 Karan Singh, who was called on the spot, also stated in cross-examination that when he reached the spot, accused-driver was present there and later on he slipped away. PW-3 Gyan Chand, also deposed accordingly as deposed by PW-2. PW-4 SI Ramanand deposed that on 20.01.2009, owner of the dumper came to police chowki with the driver of his vehicle, whose name was Iqbal. The driver was arrested and was produced before the Court. The prosecution also examined other witnesses.

At the time of arguments, learned counsel for the petitioner argued only regarding the identification of the accused and contended that the identification of the accused has not been proved beyond reasonable doubt as no identification parade has taken place.

After hearing learned counsel for the petitioner and after going through the record, I find that as per the evidence produced on

the record, PWs have deposed regarding the identity of the accused while appearing in the Court. The test identification parade is only a corroborative piece of evidence. The PWs have stated that accused remained on the spot and after some time he slipped away. The dumper was on the spot and it was taken into police possession on the same day, which means that the driver of the dumper i.e. accused-petitioner after stopping the vehicle remained present for some time on the spot and then later on slipped away. It is also the case of the prosecution that owner of the dumper produced the accused-driver before the police. There is nothing in the statements of the PWs which create any reasonable doubt regarding the identity of the accused. Otherwise also, learned Magistrate while convicting the accused under Section 304-A IPC and learned Addl. Sessions Judge, Palwal, while dismissing the appeal have given concurrent findings against the accused. Nothing has been pointed out as to whether any illegality has been committed by the Courts below nor anything is pointed out to show that the judgments passed by the Courts below are perverse. Nothing has been pointed out as to which material evidence has not been considered or which material evidence has been misread by the Courts below. This is a revision petition and in the revision petition, this Court is not to re-appreciate the evidence like Court of an appeal.

From the perusal of the record, especially the judgments passed by the Courts below, I do not find that any illegality has been committed by the Courts below. 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.

**September 28, 2015**  
Vgulati

**(INDERJIT SINGH)**  
**JUDGE**