

In the High Court of Punjab and Haryana at Chandigarh

CRR-3785 of 2014(O&M)
Date of Decision: 05.02.2015

Bikramjit Singh

---Petitioner

versus

State of Punjab

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr.B.D.Sharma, Advocate
for the petitioner

Mr.P.S.Madahar, AAG, Punjab
for the respondent-State

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

REKHA MITTAL, J.

The present petition lays challenge to the judgment dated 10.11.2014 passed by the Sessions Judge, Amritsar whereby appeal preferred by the petitioner against his conviction and sentence for offence punishable under Sections 279, 304-A of the Indian Penal Code (in short “IPC”)has been dismissed.

Sukhwinder Pal son of Tarsem Lal (since deceased) got recorded his statement that on 31.10.2008, he was waiting for his father at Milk Plant Chowk for going to Amritsar. At about 9-00 a.m., his father was coming from Verka towards Amritsar City on his TVS Champ moped.

When he reached at Milk Plant chowk, bus bearing No. PB-AT-9974 driven by Bikramjit Singh son of Pargat Singh came at a high speed and without blowing any horn came from the side of Verka and struck with moped of his father due to which his father fell down on the road and came underneath rear tyre of the bus. He shifted his father to Guru Nanak Dev Hospital but his father succumbed to injuries sustained in the occurrence.

The trial conducted by the Judicial Magistrate culminated in conviction and sentence of the petitioner for the aforesaid offences and appeal preferred by the petitioner did not find favour with the Court of Sessions whereby the findings recorded by the trial court were affirmed both in regard to culpability of the accused and on question of sentence.

Still feeling dissatisfied, the matter has been carried in revision before this Court.

Counsel for the petitioner has assailed the judgments of the courts below on the premise that testimony of Sukhwinder Pal, complainant and son of the deceased is not sufficient to establish identity of the accused beyond shadow of reasonable doubt, therefore, the courts below have committed a grave error in holding the petitioner guilty of committing the charged offence. It is further submitted that testimony of Sukhwinder Pal in regard to accident being caused by the petitioner does not find corroboration from any source whatsoever.

Counsel has further argued that in case the judgments passed by the courts below are affirmed, the substantive sentence awarded to the petitioner may be reduced.

Counsel for the State has submitted that there is no error much

less illegality worth consideration by this Court in exercise of limited revisional jurisdiction.

I have heard counsel for the parties and perused the records.

The complainant lodged the FIR on the day of occurrence itself after about 04 hours. He has specifically named the petitioner as author of the accident. He identified the petitioner to be the accused for causing accident resulting in serious injuries to his father who ultimately succumbed to those injuries while lying admitted in Guru Nanak Dev Hospital where the investigating officer ASI Kuldeep Singh recorded his statement as first information. Nothing tangible and material has been elicited during cross examination of the complainant to impeach his credibility or create any doubt that he was not present at the spot. This apart, there is nothing on record to suggest that the complainant had any motive to falsely indict the petitioner in the crime at the cost of saving the real culprit. I find myself unable to accept submissions made by counsel for the petitioner that testimony of Sukhwinder Pal cannot form the basis for conviction of the petitioner. In this view of the matter, I do not find any reason to interfere in the concurrent findings of fact recorded by the courts below holding the petitioner guilty of committing the proven offence and accordingly, the conviction of the petitioner is affirmed.

The criminal proceedings were registered against the petitioner in October 2008. He has suffered pangs of criminal proceedings for the past more than 06 years. He is in custody since his conviction was affirmed in appeal on 10.11.2014. There is nothing on record to suggest that delay in conclusion of proceedings was attributable to the petitioner.

Keeping in view cumulative effect of the facts and circumstances discussed hereinbefore, the substantive sentence awarded to the petitioner for offence punishable under Section 304-A IPC is reduced to rigorous imprisonment for a period of 10 months.

For the reasons aforesaid, the petition stands disposed of with modification in the aforesaid terms.

(REKHA MITTAL)
JUDGE

05.02.2015

PARAMJIT