

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
2015.02.18 16:51
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authenticity of this document

CRR No. 483 of 2015 (O/M)
Date of decision : 13.2.2015

Jagbir Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Sanjeev Kumar Panwar, Advocate, for the petitioner.

1. Whether the Reporters of local newspaper 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 ?

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KULDIP SINGH, J.

Impugned in the present revision is the judgment dated 26.11.2014, passed by the learned Additional Sessions Judge, Palwal, affirming the judgment and order dated 3/5.11.2012, passed by the learned Judicial Magistrate 1st Class, Palwal, vide which the revisionist was convicted under Sections 279, 338 and 304-A IPC and sentenced as under :-

(i) Under Section 279 IPC

To undergo rigorous imprisonment for 3 months;

(ii) Under Section 338 IPC

To undergo rigorous imprisonment for 6 months;

(iii) Under Section 304-A IPC

To under rigorous imprisonment for 1 years and to pay fine of Rs. 1,000/-, in default thereof, to

further undergo simple imprisonment for one month.

All the sentences were directed to run concurrently.

The brief facts, which need to be noticed for the purpose of disposal of the present revision, are that on 3.5.2007, Vikram Singh (complainant) alongwith his father Lekhraj (since deceased) boarded the jeep of the accused/revisionist herein. They were forced to stand on the outer portion of the said jeep. The vehicle was overloaded with the passengers. The driver of the said jeep was driving the same in a rash and negligent manner. All the passengers were shouting upon him to drive the vehicle slowly. However, at 8:15 PM, the jeep hit the backside of the tractor trolley bearing registration No. HRW-554. As a result of the said accident, Lekhraj fell down and sustained multiple injuries. He ultimately succumbed to the injuries.

Before the trial Court, Vikram Singh (complainant) appeared as PW1, Abdul Hamid appeared as PW6, Devender Singh appeared as PW7 and Kailash Chand appeared as PW8 to support the prosecution case.

Learned counsel for the accused/revisionist herein has argued that the statement of the complainant shows that he initially disclosed the name of the accused as Kunwarpal. However, later on, he found that the name of the driver of the said jeep was Jagbir Singh (revisionist herein).

Abdul Hamid (PW6), who was the owner of the tractor trolley, appeared and stated that his tractor trolley was hit from the rear side by the accused, that is why, he failed to identify the accused. Devender Singh (PW7), who was going on a motorcycle and witnessed the occurrence, stated that accused/revisionist had hit the tractor trolley from backside. He fully supported the prosecution case. However, Kailash Chand (PW8) did not identify the accused present in the Court.

Despite the fact that two of the witnesses did not identify the accused, the fact remains that the jeep in question had hit the tractor trolley from behind. The accused/revisionist herein had been identified by Devender Singh (PW7), who had witnessed the occurrence as well as by the complainant, namely, Vikram Singh (PW1). The involvement of the jeep in question with the tractor trolley is established. The accused pleaded before the trial Court that he has been falsely implicated. He had not taken the stand that he was not driving the jeep in question and that someone else was driving the jeep in question. There was no motive to falsely implicate the accused/revisionist herein. The findings of the learned Judicial Magistrate 1st Class, Palwal, were upheld by the learned Additional Sessions Judge, Palwal, vide order dated 26.11.2014. I fully concur with the findings recorded by the two Courts below. There is no ground to interfere with the impugned order dated 26.11.2014, passed by appellate Court as well as the judgment and order dated

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3/5.11.2012, passed by the lower Court.

Accordingly, the present revision is dismissed.

(KULDIP SINGH)
JUDGE

13.2.2015
sjks