

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.575 of 2015 (O&M)
Decided on : 29.04.2015

Kishan Singh Petitioner

Vs.

State of Haryana Respondent

CORAM:- HON'BLE MR. JUSTICE MAHESH GROVER

Present:- Mr. Bhag Singh, Advocate
for the petitioner.

Mr. P.S.Chauhan, Addl. AG, Haryana.

MAHESH GROVER, J.(Oral)

This revision petition is directed against the judgment of conviction dated 19.01.2015 and order of sentence dated 28.01.2015 passed by learned appellate court.

According to the prosecution case, the vehicle being driven by the petitioner had caused an accident resulting in death of two persons. The petitioner allegedly fled away from the spot after causing the accident.

The investigation and the subsequent trial resulted in acquittal of the petitioner by the trial court but in conviction sentencing of the petitioner to one year rigorous imprisonment along with fine by the appellate court. The particulars are given below:

<i>Name of convict</i>	<i>Offence</i>	<i>Period of sentence</i>	<i>Fine imposed</i>	<i>Period of sentence in default of payment of fine</i>
Kishan Singh	279 IPC	3 months rigorous imprisonment	Rs.1,000/-	1 months R.I.
	304 A IPC	One year rigorous imprisonment	Rs.10,000/-	3 months R.I.

Learned counsel for the petitioner disputes the petitioner's involvement and states that eye-witnesses were unreliable for the reason that they were not in the know of the particulars and identity of the driver but subsequently during the trial they still identified the petitioner. It is thus, stated that in the absence of proper identification the involvement of the petitioner is doubtful.

On due consideration of the matter and after perusing the impugned judgment passed by the appellate court, it becomes clear that most incriminating factor against the petitioner is the recovery of his driving license from the dumper i.e. the offending vehicle, which largely remained unexplained by the petitioner. The owner of the dumper was never produced in Court and neither did the petitioner produce any evidence in his defence.

Even if the plea of the petitioner of unreliability of eye-witnesses is accepted, the fact of his driving license being recovered from the offending vehicle would be sufficient to link him to the offending vehicle, which undisputedly was involved in the accident resulting in death of two persons with a sufficient inference of the fact of his being behind the wheel.

For the aforesaid reasons, I do not find any reason to interfere with the judgment passed by the learned appellate court. Hence, the revision petition stands dismissed.

29.04.2015
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(Mahesh Grover)
Judge