

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
2015.02.25 10:51
I attest to the accuracy and
authenticity of this document

CRR No. 647 of 2015 (O/M)
Date of decision : 24.2.2015

Param Hans

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Amit Choudhary, 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 ?
- .- -.-

KULDIP SINGH, J. (ORAL)

Challenged in the present revision is the judgment dated 10.2.2015, passed by the learned Additional Sessions Judge, SAS Nagar, Mohali, affirming the judgment and order dated 21.8.2014, passed by the learned Judicial Magistrate 1st Class, Dera Bassi, vide which the revisionist was convicted under Sections 279 and 338 IPC and sentenced to undergo simple imprisonment for three months and to pay fine of Rs. 100/-, in default thereof, to further undergo simple imprisonment for three days under Section 279 IPC. The revisionist was also sentenced to undergo simple imprisonment for seven months and to pay fine of Rs. 200/-, in default thereof, to further undergo simple imprisonment for three days under Section 338 IPC. Both the sentences were ordered to run concurrently.

The brief facts of the case are that on 14.11.2005, at about 8:45 AM, when injured Manjit Singh was going from

Chandigarh to Ambala in his Maruti van, an Esteem car coming from Ambala side, tried to overtake a bus and struck against his Maruti van. As a result of the said accident, the vehicle overturned.

I have heard learned counsel for the revisionist and have also carefully gone through the file.

Learned counsel for the revisionist has argued that in this case, there was a mechanical report that there was damage to the brake. The said damage could be due to the impact of the accident. It is stated that no eye-witness was examined. The photographs were not placed on file and that the vehicle was not roadworthy.

I am of the view that the injured was examined, who had supported the prosecution case. In view of the statement of the injured, the photographs are immaterial. The vehicle was going on the road shows that it was fit before the accident. There are concurrent findings of two Courts below. There is no ground to interfere with the impugned judgment dated 10.2.2015, passed by the learned Additional Sessions Judge, SAS Nagar, Mohali, upholding the judgment and order dated 21.8.2014, passed by the learned Judicial Magistrate 1st Class, Dera Bassi.

Accordingly, the present criminal revision petition is dismissed.

(KULDIP SINGH)
JUDGE

24.2.2015
sjks