

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 678 of 2015 (O/M)
Date of decision : 26.2.2015

Raj Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Arshdeep Singh Brar, 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. (ORAL)

Challenged in the present revision is the judgment dated 29.1.2015, passed by the learned Additional Sessions Judge, Ludhiana, modifying and affirming the judgment and order dated 5.3.2013, passed by the learned Judicial Magistrate 1st Class, Ludhiana, vide which accused/revisionist was convicted under Sections 279 and 304-A IPC and sentenced to undergo rigorous imprisonment for six months under Section 279 IPC. He was also sentenced to undergo rigorous imprisonment for two years under Section 304-A IPC. Both the sentences were directed to run concurrently. However, the learned Additional Sessions Judge, Ludhiana, reduced the sentence of imprisonment passed on the accused/revisionist from rigorous imprisonment for two years to

rigorous imprisonment for one year and six months under Section 304-A IPC, while maintaining the remaining sentence.

Brief facts, which require to be noticed for the disposal of the present revision, are that on 8.4.2010, at about 2:15 PM, Baldev Singh (complainant) accompanied by his brother Jagdev Singh (since deceased) after taking some medicines from Raghunath Hospital, Ferozepur Road, Ludhiana, were going to their village on different vehicles. Jagdev Singh was going ahead of complainant. About 2:15 PM, when Jagdev Singh crossed Gill Bridge and reached Isshar Nagar, then from the backside, a truck bearing registration No. PB-10-AH-9714, driven by a Hindu gentleman, who was later on identified as accused/revisionist Raj Kumar, came in a rash and negligent manner and struck against the motorcycle of Jagdev Singh from behind and ran over the deceased. After the accident, accused/revisionist left the truck at the spot and ran away.

Accused was chargesheeted under Sections 279/304-A IPC, to which he pleaded not guilty and claimed trial.

To support its case, the prosecution examined complainant Baldev Singh and other witnesses.

After conclusion of the trial, the accused was convicted and sentenced aforesaid, which was modified in appeal, as discussed above.

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

Learned counsel for the accused/revisionist has argued that in this case, Baldev Singh had made a statement during inquest proceeding under Section 175 Cr.P.C., in which he had stated that on receiving the phone call about the accident of his brother, he had visited the spot. However, learned counsel had not denied that when Baldev Singh was examined in the Court, no suggestion was put to him that he had made a statement to the police under Section 175 Cr.P.C. He was also not confronted with the said statement. No suggestion in this regard was put to him. Therefore, the statement under Section 175 Cr.P.C. cannot be used at this stage to contradict the statement of the complainant. Accused was named in the FIR. The accident had taken place at a busy road during noon hours. This supports the prosecution story that the accused was identified at the spot. The truck was left at the spot. Therefore, the trial Court has rightly believed the evidence of the prosecution. There is no ground to interfere with the impugned judgment dated 29.1.2015, passed by the learned Additional Sessions Judge, Ludhiana.

Accordingly, the present revision is dismissed.

(KULDIP SINGH)
JUDGE

26.2.2015
sjks