

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Revision No.1148 of 2016 (O&M)

.....

Date of decision:30.5.2016

Chander Shekhar

...Petitioner

v.

State of Punjab

...Respondent

....

**Coram: Hon'ble Mr. Justice Inderjit Singh**

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Present: Mr. Nitesh Singhi, Advocate for the petitioner.

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**Inderjit Singh, J.**

This criminal revision petition has been filed under Section 401 Cr.P.C. challenging the impugned judgment dated 3.2.2016 passed by learned Additional Sessions Judge, S.A.S. Nagar, whereby the appeal filed against the judgment of conviction and order of sentence dated 13.3.2015 passed by learned Sub Divisional Judicial Magistrate, Dera Bassi, convicting the petitioner for the offences under Sections 304-A, 279 IPC and Section 3/181 of Motor vehicles Act and sentencing him to undergo rigorous imprisonment for one year and to pay a fine of ₹1,000/- and in default of payment of fine to further undergo simple imprisonment for 15 days for the offence under Section 304-A IPC; also to undergo rigorous imprisonment for six months and to pay fine of ₹500/- and in default of payment of fine to further undergo simple imprisonment for seven days for the offence under 279 IPC and further to undergo sentence of fine of ₹500/- and in default of payment of fine to further undergo simple imprisonment

for seven days for the offence under Section 3/181 of Motor Vehicle Act, has been dismissed.

I have heard learned counsel for the petitioner and have gone through the record.

The brief facts of the case as noted down by the learned Sub Divisional Judicial Magistrate, Dera Bassi, in his judgment dated 13.3.2015 are as under:-

“Succinctly, the facts of the present case are that on 01.12.12 HC Satinder Singh No.423/SAS Nagar along with Constable Raj Kumar No.27/640, PHG Tarsem Chand No.3/333 were present in the area of Police Post in connection with patrolling where MHC Amarjit Singh No.496/SAS Nagar informed HC Satinder Singh on phone that an accident took place near Choice Resort Turn, Baltana and some lady has died in the said accident and action be taken. At this HC Satinder Singh along with other police personnel reached the spot where Mohinder Singh husband of the deceased met the Investigating Officer and got recorded his statement that he is resident of H.No.988, Saini Vihar, Phase III, Baltana, P.S. Zirakpur and is working as LDC in CBSE Sector 5, Panchkula. He has two sons. Today i.e. on 1.12.12 at about 4.30 p.m. he along with his wife Pushpa were going from Baltana to Chandigarh on scooter No.CH-03D-4286 and when they reached near Choice Road Baltana then a truck No.HR-38F-8411 driven at a very high speed and

in a rash and negligent manner came from behind i.e. from Chandigarh side and the driver of the said truck while driving the same in aforesaid manner hit in the scooter of complainant from behind, due to which complainant fell on his left side and his wife fell on the right side on the road and the truck run over the wife of the complainant due to which she died at the spot. The driver of the truck left the same at the spot and fled away, to whom the complainant can identify if brought before him. He further submitted that the accident occurred due to rash and negligent driving by the driver of the truck and prayed for action against him. The said statement was read over to the complainant who admitted the same as correct and put his signatures in English script on the same. Investigation Officer HC Satinder Singh made endorsement on the said statement and sent a ruqa through Constable Raj Kumar No.27/640 for registration of the FIR and on the basis of the same FIR of the present case was registered under Section 279/304-A of IPC. Then during investigation HC Satinder Singh took the offending truck into police possession and prepared the site plan. He also took scooter No.CH-03D-4286 into police possession vide separate recovery memo. The dead body was admitted in Dead House, Civil Hospital, Dera Bassi. Then on 2.12.12 HC Satinder Singh got conducted the post-mortem of dead body of deceased and handed over the same to the legal

heirs. On 3.12.12 driver of the offending vehicle namely Chander Shekhar surrendered before the Investigating Officer and he was got identified from the complainant and the accused was formally arrested in the present case. Arrest memo, personal search memo and intimation memo of accused were prepared and he was released on bail as the offence is bailable. The Investigation Officer also prepared the rough site plan of the place of occurrence and recorded statements of witnesses U/S 161 of Cr.P.C. and finally upon completion of the investigation challan was presented against the accused.”

The learned Sub Divisional Judicial Magistrate, Dera Bassi, after appreciating the evidence, convicted and sentenced the petitioner as stated above. An appeal was filed by the petitioner and the same was dismissed by learned Additional Sessions Judge, S.A.S. Nagar, vide judgment dated 3.2.2016.

Aggrieved from the above-said judgments, present revision petition has been filed.

PW-1 Mahinder Singh Rawat-complainant-cum-eye witness has duly supported and corroborated the version of the prosecution. The other PWs have also supported and corroborated the prosecution version. A perusal of the record shows that the findings given by the Courts below are as per evidence and law and no interference is required from this Court. These judgments cannot be held as perverse nor anything has been pointed out that any evidence has been misread by the Courts below. There is also

nothing pointed out at the time of arguments that any material evidence has not been considered by the Courts below. The learned Courts below have not committed any illegality.

As regards rash and negligent driving, PW-1 Mahinder Singh Rawat, who is complainant-cum-eye witness of the case, has deposed regarding the same. Even there is no suggestion to PW-1 in cross-examination that the present petitioner was not driving the truck nor the statement given in the examination-in-chief on the material points that the present petitioner stayed there for some time and then fled away from the spot is challenged. The fact that the accident had occurred due to rash and negligent driving of the present petitioner has also not been challenged by giving any suggestion etc. to PW-1-complainant-cum-eye witness.

Keeping in view the facts and circumstances of the present case and in view of the fact that the present petitioner was driving the offending vehicle in rash and negligent manner, hit the same in the scooter of the complainant, which has been duly proved by the PWs.

Therefore, from the above discussion, I find that the findings recorded by the Courts below are as per evidence and law which do not require any interference from this Court and the same are upheld.

Finding no merit in this criminal revision petition, the same is dismissed.

May 30, 2016.

\*hsp\*

**(Inderjit Singh)**  
**Judge**