

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRR No.2597 of 2016 (O&M)
Date of Decision: July 26, 2016**

Bijender

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.G.C.Shahpuri, Advocate
for the petitioner.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Bijender under Section 401 Cr.P.C. against respondent State of Haryana, challenging the impugned judgment of conviction and order of sentence dated 20.12.2014 passed by learned Judicial Magistrate Ist Class, Palwal, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of three months and to pay fine of ₹500/- and in default of payment of fine, to undergo rigorous imprisonment for a period of 10 days under Sections 279 and 337 IPC each and further to undergo rigorous imprisonment for a period of one year and to pay fine of ₹1000/- and in default of payment of fine, to undergo rigorous imprisonment for a period of 20 days under Section 304-A IPC and also challenging the judgment dated 12.07.2016 passed by learned Addl. Sessions Judge, Palwal, vide which appeal filed by petitioner was dismissed. All the sentences were ordered to run concurrently.

The brief facts of the case as noted down in the impugned

judgment dated 20.12.2014 passed by learned JMIC, Palwal, are as under:-

“2. Filtering unnecessary details, the case of the prosecution is that on 30.5.2009 SI Raghubir Singh along with other officials received a Ruqqa along with MLR upon which statement of injured Sundri W/o Satbir was recorded. As per the complainant Sundri, she along with her two sons namely Akash and Abhishek and with her sister-in-law Mayawati were coming to village Kairaka, Palwal from the house of her brother-in-law namely Mahinder Singh from Hodal. They took a three-wheeler (in short 'offending vehicle') in which other passengers were also seating. Driver of the offending vehicle was driving the vehicle in rash and negligent manner and at a high speed. All the passengers were advising the driver to slow down the speed. At about 5:00 p.m. when they reached near District Court, Palwal, driver of the offending vehicle banged the offending vehicle in a tree, standing on the side of the road. Due to the accident complainant Sundri along with her two sons got injured whereas her sister-in-law namely Mayawati died on the spot. Other passengers of the offending vehicle also got injured. After the accident driver of the offending vehicle fled from the spot leaving the offending vehicle at the spot. Thereafter, public gathered and took the injured to the hospital. With these allegations prayer to take strict action against the driver of the offending vehicle was made.

3. Upon receiving this complaint, FIR No. 187 dated 30.5.2009 under Sections 279, 337 & 304-A IPC was registered and investigation in the present case commenced.

4. During the course of investigation, site plan was prepared, relevant medical documents were collected, inquest report was prepared, post mortem of deceased Mayawati was conducted, offending vehicle was taken into custody along with RC, DL etc. and accused was arrested. Statement of witnesses under Section 161 Cr.P.C. were recorded and after completion of all other formalities, present challan under Sections 279,337& 304-A IPC has been presented before this court.”

Learned JMIC, Palwal, after appreciating the evidence, convicted and sentenced the petitioner as stated above. An appeal was filed and learned Addl. Sessions Judge, Palwal, dismissed the appeal vide judgment dated 12.07.2016.

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

At the time of arguments, learned counsel for the petitioner did

not dispute the concurrent findings of the Courts below regarding conviction and only contended on the point of reduction of sentence. Learned counsel for the petitioner argued that petitioner is suffering from very serious disease and he has also suffered a lot from the criminal proceedings and the petitioner is first offender, poor person, only bread earner of the family.

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

From the record, I find that the accused-petitioner was driving the three-wheeler, in which complainant Sundri along with her two sons and her sister-in-law Mayawati and other passengers were traveling. The accused was driving the three-wheeler in rash and negligent manner and hit the same with the tree, due to which, Mayawati died and complainant, her sons and other passengers got injured.

Keeping in view the facts and circumstances of the present case, nature and gravity of the offence and in view of the fact that petitioner is stated to have remained in custody only for 10-12 days i.e. after the dismissal of his appeal on 12.07.2016, I do not find any ground to reduce the sentence of the petitioner.

Therefore, finding no merit in the present revision petition, the same is dismissed.

July 26, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No