

CRR-2745-2016

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

CRR-2745-2016 (O & M)

Date of Decision: 05.08.2016

Nikka Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Sahil Khunger, Advocate,
for the petitioner.

INDERJIT SINGH, J.

CRM-23813-2016

This is an application for condonation of delay of 167 days
in filing the revision.

Heard. For the reasons, mentioned in the application, the
same is allowed and delay of 167 days in filing the revision is condoned.

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The present revision has been filed by petitioner-Nikka
Singh against State of Punjab under Section 401 Cr.P.C. challenging the
impugned judgment of conviction and order of sentence dated
22.04.2014 passed by learned Judicial Magistrate Ist Class, Sunam, vide
which the petitioner was convicted and sentenced to undergo rigorous
imprisonment for a period of six months and to pay a fine of Rs.1,000/-
and in default of payment of fine, to further undergo rigorous

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imprisonment for a period of one month under Section 279 IPC and to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.1,000/- and in default of payment of fine, to further undergo rigorous imprisonment for a period of one month under Section 304-A IPC and also challenging the judgment dated 20.11.2015 passed by learned Sessions Judge, Sangrur, vide which appeal filed by the petitioner was dismissed.

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

The brief facts of the case, as noted down in the judgment passed by learned Judicial Magistrate Ist Class, Sunam, are as under:

“The prosecution story in brief is that complainant Jagsheer Singh is an agriculturist. On 25.1.2010, the complainant along with his wife Paramjit Kaur, his son Arshdeep Singh had gone on their motorcycle red colour bearing No.PB-42-B-0485 to village Baghraul for visiting Baba Major Singh for obtaining sacred thread for their son. After finishing their work, when they were standing near their motorcycle, then at about 2.30 P.M, a card bearing No.HR-12-C-3939 black colour came from village Baghraul side at a very high speed driven in rash and negligent manner and without blowing horn hit the motorcycle of the complainant as well as wife of complainant namely Paramjit Kaur, son of complainant Arshdeep Singh and one girl namely Khushpreet Kaur. As a result of which the wife of complainant namely Paramjit Kaur,

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son of complainant Arshdeep Singh and one girl namely Khushpreet Kaur suffered multiple injuries on their bodies. All of them died due to the injuries suffered in the accident. The driver of the car (accused) fled way (sic. Away) from the spot and later on complainant came to know his name as Nikka Singh. The motor cycle of the complainant was badly damaged. It has been alleged that this accident took place due to rash and negligent driving of accused Nikka Singh. On the statement of complainant, FIR was registered. During investigation, statements of witnesses were recorded, rough site plan was prepared, medical evidence was collected, case property was taken into custody, post mortem report was obtained, accused was arrested and on completion of investigation, challan against the accused was present in the Court.”

Learned Judicial Magistrate Ist Class, Sunam, 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 Sessions Judge, vide impugned judgment dated 20.11.2015.

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

Learned counsel for the petitioner argued that there is only testimony of one witness i.e. complainant-Jagsir Singh (PW 3) which has not been corroborated by any other witness. The sole testimony of

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complainant-Jagsir Singh (PW 3) cannot be relied upon for conviction of the present revision petitioner. He further argued that owner of the vehicle has not been examined in the present case. He further argued that in the FIR, name of driver of the offending vehicle was mentioned as Nikka Singh_son of Leela Singh whereas he is known as Nikka Singh @ Jagtar Singh son of Leela Singh @ Baldev Singh.

I have gone through the judgments passed by the courts below.

It is settled law that Court can rely upon the sole testimony of a witness, if it is otherwise reliable. In the criminal case specifically for offence punishable under Section 304-A IPC, owner is not a material witness to be examined in the Court. There is no cogent evidence on record to show that the petitioner is not known as Nikka Singh or there is any other person in the village in the name of Nikka Singh son of Leela Singh.

The perusal of reasonings given by the courts below shows that these are as per evidence and law. In no way, the judgments passed by the courts below can be held as perverse. No illegality has been committed while passing the impugned judgments. This is a revision petition and in the revision petition, this Court is not to re-appreciate the evidence, like Court of an appeal and this Court is only to see whether any finding is perverse or some material evidence has not been considered. At the time of arguments, learned counsel for the petitioner

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failed to point out as to which material evidence has been misread or which material evidence has not been considered by the courts below.

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

05.08.2016

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Whether speaking/reasoned	:	Yes
Whether reportable	:	No