

CRR No.325 of 2016 (O&M)
Date of Decision: January 27, 2016

.... Petitioner

VS.

.... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Ms. Shalini Atri, Advocate for the petitioner.

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Kuldip Singh J.(Oral)

The present revision petition has been filed against the judgment dated 11.01.2016 passed by learned Sessions Judge, Fatehabad, affirming the judgment of conviction dated 15.04.2013 and order of sentence dated 16.04.2013 passed by learned Addl. Chief Judicial Magistrate, Fatehabad, vide which the accused-petitioner was convicted and sentenced as under:

Sr. No.	Offence u/s	Sentence (R.I.)	Fine (₹)	In default of payment of fine
1	279 IPC	3 months	500/-	7 days (S.I.)
2	337 IPC	6 months	500/-	7 days (S.I.)
3	338 IPC	2 years	1,000/-	15 days (S.I.)
4	304-A IPC	2 years	10,000/-	2 months (S.I.)

All the substantive sentences were directed to run concurrently.

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

A perusal of lower court judgment shows that the present petitioner being the driver of trolly bearing registration No.RJ-31GA-1978 hit a jeep, which was carrying the members of a marriage party on 28.02.2009. As a result of the accident, four persons died and two persons received grievous injuries. Out of which three persons, namely, Bhagwan Singh, Samunder Singh and Manohar Singh died at the spot whereas Loon Singh died on the way to the hospital and two persons, namely, Inder Singh and Poonam, who suffered grievous injuries were admitted in Agroha Medical College from where they were referred. After the accident, the jeep was dragged to some distance, which then fell in the pits on the side of the road. The manner of the accident itself shows that the trolly was being driven at a very high speed, rashly and negligently and was unable to control after the accident.

Learned counsel for the petitioner has argued that no identification parade was held and that one of the injured persons did not support the prosecution case.

I am of the view that the offence being bailable, the accused was immediately released on bail, therefore, the identification parade, even if held, would have been a useless exercise. Secondly, the complainant had supported the prosecution case. The accused was identified. The case of the accused is of complete denial. The complainant has no personal enmity with the

accused. In this case, four persons lost their lives and two persons received serious injuries. There are concurrent findings of two courts below. Thus, there is no ground to interfere in the same.

Accordingly, the present revision petition stands dismissed.

January 27, 2016
sarita

(KULDIP SINGH)
JUDGE