

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Revision No.3399 of 2016 (O&M)

.....

Date of decision:9.11.2016

Panna Lal

...Petitioner

v.

State of Haryana

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. J.P. Sharma, 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 19.8.2016 passed by learned Sessions Judge, Narnaul, vide which the appeal filed against the judgment of conviction and the order of sentence dated 4.6.2015 passed by the learned Sub Divisional Judicial Magistrate, Mohindergarh, convicting the petitioner for the offence under Section 304-A IPC and sentencing him to undergo rigorous imprisonment for one year and to pay fine of ₹1,000/- and in default of fine to further undergo simple imprisonment for one month for the offence under Section 304-A IPC, has been dismissed.

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

From the record, I find that the accused has been challaned for

the offences under Sections 279, 337 and 304-A IPC in FIR No.377 dated 11.10.2010 registered at Police Station Mohindergarh. The brief facts as noted down in the impugned judgment dated 4.6.2015 passed by learned Sub Divisional Judicial Magistrate , Mohindergarh, are as under:-

“Brief facts emerging out of report under Section 173(2) Cr.P.C. are that Sunil son of Chiranjilal resident of Mohalla Sainipura Mohindergarh got recorded his statement that he is mason by profession and on 11.10.10 at approximately 10:00 a.m. he along with his son Naresh was coming to their shop near Girdhari Lal petrol pump and when reached in front of Sector 8 then from Narnaul side a truck came driven in rash and negligent manner and dashed his cousin from behind who was going on road approximately 5 feet in kacha side. He got recorded that on account of dashing the truck driver 2/3 times drove it forward and reverse, thereafter fled away. It is stated that when approximately 200 meter he drove away the public man got stopped his truck and noted its number as HR 47-1051 and on being asked accused disclosed his name Panna Lal son of Ratti Ram who on account of fear fled away from the spot leaving behind the truck. He further got recorded that public persons also beaten him, thereafter sometime ambulance reached on the spot and brought Naresh to Mohindergarh hospital from where he was referred to GH Narnaul and Jaipur. He got recorded that Naresh received serious injuries on lower

side of groin and further prayed that action be taken against accused.”

The learned Sub Divisional Judicial Magistrate, Mohindergarh, after appreciating the evidence on record convicted the accused for the offence under Section 304-A IPC and sentenced him to undergo sentence as mentioned above. Aggrieved from this judgment appeal was filed before the Sessions Court and the learned Sessions Judge, Narnaul vide judgment dated 19.8.2016 dismissed the appeal.

I have heard learned counsel for the petitioner and have also gone through the lower Court record which has been summoned in this case.

Learned counsel for the petitioner argued that rash and negligent driving has not been proved by the prosecution, therefore, the petitioner is entitled to acquittal. He further argued that in the alternative sentence of the petitioner may be reduced.

From the perusal of the lower Court record and especially the statement of the complainant and PW-1 Roshan Lal, I find that he has specifically deposed that Naresh his nephew was walking ahead to him 3 feet on 'Kacha' portion below the road and the accused by driving the vehicle hit from the backside and after running over left from the spot.

Another PW-3 HC Sunil has also consistently deposed regarding the prosecution version. PW-2 Balbir who is also an eye witness to the occurrence has supported the prosecution case.

Keeping in view the facts and circumstances of the present case and the evidence produced by the prosecution, I find that a person who was

going on the 'Kacha' road was hit by the truck from the backside by driving it on the 'Kacha' road itself proved the rash and negligent act of the driver. There is no necessity to prove that the truck was going on high speed etc. Even if it is on slow speed, if it hit the person on 'Kacha' road from the backside itself proves the rash and negligent act of the driving. The present petitioner has been sentenced to undergo rigorous imprisonment for one year and to pay a fine of ₹1,000/-. This sentence, in no way, can be held as excessive. Adequate sentence has been awarded by the Courts below and there is nothing on the record that this sentence should be reduced.

Therefore, from the above, I find that the findings given by the Courts below are consistent and as per evidence and law. There is nothing on record as to how the findings given by the Courts below are perverse or against the evidence. Nothing has been pointed out as to how the findings given by the Courts below are illegal i.e. against the law. Nothing has been pointed out as to which material evidence has been misread by the Courts below and as to which material evidence has not been considered by the Courts below. The Courts below have appreciated the evidence in right perspective. These judgments do not require any interference from this Court and the same are upheld.

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

November 9, 2016.

(Inderjit Singh)
Judge

hsp

NOTE: Whether speaking/reasoned: Yes

Whether reportable: No