

CRR No. 873 of 2014

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

CRR No. 873 of 2014

Date of decision : December 01, 2016

Rajbir Singh

..... Petitioner

v.

State of Haryana and another,

..... Respondents

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**CORAM : HON'BLE MR. JUSTICE AJAY TEWARI**

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Present : Mr. Harish Nain, Advocate  
for the petitioner.

Mr. Satish Saini, DAG Haryana

Mr. Amarinder Preet, Advocate  
for respondent No.2.

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**Ajay Tewari, J (Oral)**

This revision petition has been filed against the concurrent  
acquittal of respondent No.2 under Sections 279/304-A of the IPC.

As per the allegation, brother of the petitioner was driving  
ahead of him on a scooter when respondent No.2 while driving his  
vehicle negligently hit the scooter and caused the death of the brother of  
the petitioner.

Both the Courts below acquitted respondent No.2, since the petitioner-eye witness could not explain how he came to know that it was respondent No.2 who was the driver because, admittedly, he did not know him earlier.

Counsel for the petitioner has argued that even if this fact is correct, yet the petitioner duly identified respondent No.2 during the trial as the person who had caused the accident.

Both the Courts below discarded that identification on the ground that even as per the FIR the driver had fled away after causing the accident. The appellate Court relied upon the judgment of the Supreme Court in Mohanlal Gangaram Gehani vs State of Maharashtra, 1982 SCC(1) 700, and the judgment of this Court in Satpal v. State of Haryana 2000(2) RCR (Criminal) 720.

Counsel for the petitioner has not been able to show me how the finding arrived at by both the Courts below can be said to be vitiated. Consequently, this petition is dismissed.

**( AJAY TEWARI )**  
**JUDGE**

**December 01, 2016**  
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**Whether speaking/reasoned:**

**Yes/No**

**Whether Reportable:**

**Yes/No**