

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.40786 of 2015

and

Criminal Revision No.4846 of 2015 (O&M)

.....

Date of decision:22.1.2016

Darshan Singh

...Petitioner

v.

State of Punjab

Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Sandeep Singal, Advocate for the petitioner.

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Inderjit Singh, J.

Cr. Misc. No.40786 of 2015:

For the reasons mentioned in the criminal miscellaneous application, the delay of 21 days in filing the criminal revision petition is condoned.

The criminal miscellaneous application stands disposed of.

Cr. Rev. No.4846 of 2015 (O&M):

The petitioner has filed this criminal revision petition under Section 401 Cr.P.C. challenging the impugned judgment of conviction and order of sentence dated 17.9.2013 passed by the learned Judicial Magistrate Ist Class, Amritsar and against the impugned judgment dated 23.7.2015 passed by the learned Additional Sessions Judge, Amritsar, vide which the

appeal of the petitioner has been dismissed, but the sentence of imprisonment has been reduced from two years to one year and the sentence of fine and in default of fine has been ordered to remain the same.

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

As per the allegations on 5.1.2009 at about 5.50 p.m., one old man on bicycle was crossing Chowk Majitha road bye-pass; one truck bearing registration No.PUW-7362 coming from Verka bye-pass went to Fatehgarh Churian road in a very high speed. The truck rammed into the bicycle and the old man fell down on the road and the truck crossed-over his thigh and abdomen due to which he died on the spot. The driver of the truck after parking the above said truck at the road side ahead from the said Chowk, fled away from the spot. The driver of the truck was the present accused Darshan Singh. After necessary investigation, challan was presented in the Court.

A perusal of the record shows that the prosecution has duly proved its case by leading cogent evidence. In this case, the prosecution has produced PW-2 HC Major Singh, who is eye witness of the case, who deposed as per prosecution version. He identified the accused in the Court. He also deposed that the truck was being driven in rash and negligent manner. From the perusal of the record, I find that a rash and negligent driving by the accused of the truck has been duly proved by prosecution by leading cogent evidence. The identity of the accused is also duly proved.

The conviction order passed by the Courts below on the basis of evidence is

correct as per evidence and law. There is nothing as to how the findings given by the Courts below are illegal or perverse or against the evidence. Nothing has been pointed out as to which material evidence has been misread by the Courts below and which material evidence has not been considered in right perspective. Therefore, the orders of conviction passed by the Courts below are correct and as per law.

Learned counsel for the petitioner further argued that a lenient view should be taken in view of the age of the accused and sentence be reduced.

I have gone through the record. In view of the fact that the learned Judicial Magistrate Ist Class, Amritsar, has passed the order of sentence against the accused/present revision petitioner to undergo rigorous imprisonment for two years and to pay fine of ₹1,000/- and in default of payment of fine to further undergo simple imprisonment for ten days for the offence under Section 304-A IPC, which has already been reduced by the appellate Court to undergo rigorous imprisonment for one year instead of two years rigorous imprisonment, therefore, no ground is made out for further reducing the sentence of the present revision petitioner in the fact and circumstances of the case.

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

January 22, 2016.

(Inderjit Singh)
Judge

hsp