

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 5086 of 2015 (O/M)
Date of decision : 6.1.2016

Fayaz Ahmad

..... Revisionist

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Rajesh Lamba, Advocate, for the revisionist.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
 2. To be referred to the Reporter or not.
 3. Whether the judgment should be reported in the digest ?
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KULDIP SINGH J. (ORAL)

Impugned in the present revision is the judgment of conviction dated 4.12.2014 and order of sentence dated 5.12.2014, passed by the learned Sub Divisional Judicial Magistrate, Hodal, vide which which the present revisionist was convicted under Sections 279, 304-A IPC and was sentenced to undergo simple imprisonment for three months under Section 279 IPC. He was also sentenced to undergo simple imprisonment for one year under Section 304-A IPC. Both the sentences were directed to run concurrently. Also impugned in the present revision is the judgment dated 3.11.2015, passed by the learned Additional Sessions Judge, Palwal, whereby the appeal against the said judgment and order was dismissed.

CRR No. 5086 of 2016 (O/M)

-2-

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

As per the prosecution case, on 25.5.2012, the present revisionist, who was driving the truck in question rashly and negligently, hit the motorcycle, being driven by Hari Chand, from behind. The deceased Kisna was riding the pillion alongwith a gas cylinder. Both the Courts below, after examining the facts of the case, came to the conclusion that the present revisionist was driving the truck in question rashly and negligently and struck against the motorcycle from behind on Godota Chowk. The findings of facts have been recorded. The mere fact that the driver of the motorcycle fell on the other side does not mean that the deceased Kisna did not die due to the accident. There is no ground to interfere in the concurrent judgments of two Courts below. There is no scope for reduction of sentence also.

Hence, the present revision is dismissed.

(KULDIP SINGH)
JUDGE

6.1.2016
sjks