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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.REV.P. 362/2014

MUKH LAL

..... Petitioner

Through: Mr. Avinash Kumar, Adv.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Izhar Ahmed, APP for State.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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15.09.2016

Petitioner was convicted by the trial court under Sections 279/304-A IPC and sentenced to undergo rigorous imprisonment for two years with fine of ₹80,000/- towards compensation to the legal representatives of deceased and in default of payment of fine to undergo simple imprisonment of six months. Petitioner filed appeal before the Additional Sessions Judge-01 (Shahdara District), Karkardooma Courts, Delhi which has been dismissed vide judgment dated 21st April, 2014.

FIR was registered on the complaint of Const. Vijay, who claimed himself to be an eye witness to the incident and stated that on 23rd December, 2000 he was on patrolling duty in the Kasturba Nagar area along with Const. Surender and when they reached near Baraat Ghar, Shakti Video at about 7:50 p.m., he saw one jeep bearing registration no. HR-51-9451

coming from Ambedkar Park side at a high speed and knocking down a pedestrian. He along with the Const. Surrender apprehended the driver, whose name was revealed as Mukh Lal (petitioner). PCR van arrived there and shifted the injured to hospital. FIR under Sections 279/337 IPC was registered on this statement of Const. Vijay. Subsequently, injured died in the hospital, accordingly, offence under Section 337 IPC was converted into offence under Section 304-A IPC.

As per the post-mortem report, deceased died due to shock as a result of head injury produced by blunt object. Prosecution examined 10 witnesses. Thereafter, statement under Section 313 Cr.P.C. of the petitioner was recorded wherein he stated that he was innocent and was falsely implicated. However, petitioner did not lead any evidence in his defence.

Const. Surrender was examined as PW2. Const. Vijay was examined as PW10. As per the prosecution, PW2 and PW10 had witnessed the incident. PW10 is complainant. He supported the prosecution story, as detailed above and correctly identified the petitioner. Trial court has found PW10 to be a trustworthy and reliable witness and concluded that petitioner, while driving jeep in a rash and negligent manner and at a fast speed had hit the deceased resulting fatal injuries to him to which he succumbed in the

hospital. Appellate court also scrutinised the entire evidence of trial court at threadbare and has concurred with the findings returned by the trial court. There are two concurrent findings of fact against the petitioner, on appreciation of evidence and cannot be interfered with by the High Court in exercise of supervisory jurisdiction under Section 397 Cr.P.C.

During the course of hearing, learned counsel for the petitioner has not pressed this petition on merits against the conviction of petitioner under Sections 279/304-A IPC. He has only prayed for reduction of sentence. It is contended that petitioner has no previous criminal record. He is aged about 37 years and has a family comprising of his wife, two minor children and aged parents, who all are totally dependent upon him. Petitioner has left the driving and is presently doing odd jobs to earn his livelihood. Incident took place 16 years ago and petitioner has faced agony of trial all this while. Petitioner has already deposited compensation of ₹50,000/- pursuant to the order dated 8th January, 2015 passed by this Court and the same has also been released to the father of deceased. It is submitted that compensation amount of ₹80,000/- was reduced to ₹50,000/-, taking into account the poor financial condition of petitioner. Petitioner has completed a sentence of 10 months including the period of remission. Sentence of petitioner was

suspended vide order dated 8th September, 2014. Petitioner has reformed himself.

For the foregoing reasons, while upholding the conviction of petitioner under Sections 279/304-A IPC, his sentence is reduced to the period already undergone by him. Personal bond and surety bond furnished by the petitioner are discharged.

Revision petition is disposed of in the above terms.

A.K. PATHAK, J.

SEPTEMBER 15, 2016

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