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

+ CRL.REV.P. 558/2016 & CrI. M.B. No. 1553/2016

JAI SINGH

..... Petitioner

Through :Mr. Raj Kumar Rajput, Mr. Ajit
Rajput and Mr. Yudhister Singh,
Advs.

versus

STATE (NCT OF DELHI)

..... Respondent

Through : Mr. Mukesh Kumar, APP

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **02.11.2016**

Petitioner was convicted by the trial court under Sections 279/337/304-A IPC and sentenced to undergo rigorous imprisonment for two years under Section 304-A IPC; rigorous imprisonment for six months each under Sections 279 and 337 IPC. Petitioner preferred a Criminal Appeal No. 88/2015 before the Additional Sessions Judge (South – East District), Saket Court, which has been disposed of vide judgment dated 8th July, 2016, impugned in this revision petition under Section 397 Cr.P.C. As per the prosecution, petitioner was driving a Wagon-R car bearing no. DL-12CC-0564 on 14th February, 2013 at about 5:30 PM at East Kidwai Nagar,

near house no. A-222, New Delhi in a rash and negligent manner and at a fast speed; while driving so, he hit two pedestrians, namely, Arvind (deceased) and Neeraj (injured). Arvind died at the spot; whereas Neeraj sustained simple injuries. Apart from Neeraj, Raj Kumar Sharma and Vivek Kumar had also witnessed the incidence . These persons were examined as PW1, PW2 and PW4 respectively. They supported the prosecution story and gave details regarding the manner in which the incidence took place. Their testimonies have been found trustworthy and reliable by the trial court as well as appellate court. PWs have categorically stated that Wagon-R car was driven at a high speed. Victims were going on a footpath, while Wagon-R car, which was coming from the opposite direction, hit a pole on the *pattari* and thereafter, hit the injured and the deceased. There are two concurrent findings of the courts below, on appreciation of evidence. While exercising supervisory jurisdiction, High Court has not to re-appreciate the evidence to form a view which it feels is a more plausible view. In my opinion, the view taken by the trial court is a possible view. Learned counsel for the petitioner has failed to point out any flagrant violation of any legal principles by the courts below, inasmuch as has given up challenge to the conviction, on merits. Learned counsel has prayed for reduction of

sentence. It is contended that petitioner is not a commercial driver. He was not found drunk. Petitioner is a young man of 27 years of age and has no previous criminal record. Besides this, petitioner's parents and his two brothers are solely dependent upon him. One brother is mentally unstable and the other one is physically handicapped. Injured Neeraj has already received ₹14,000/- as compensation; while legal heirs of the deceased have been awarded compensation of ₹6,75,000/- by the MACT court.

Keeping in mind the above contentions of learned counsel, while upholding the conviction of petitioner under Sections 279/337/304 IPC, his sentence under Section 304-A IPC is reduced to six months. Fine has already been deposited. All the sentences shall run concurrently.

Revision petition is disposed of in the above terms. Miscellaneous application is disposed of as infructuous.

A copy of the order be sent to Jail Superintendent for compliance.

A.K. PATHAK, J.

NOVEMBER 02, 2016

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