

215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.2124 of 2010 (O&M)
Date of decision : September 04, 2017

Raja Petitioner

Versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Sudhanshu Makkar, Advocate for the petitioner.
Mr. R.K. Makkad, DAG, Haryana.

- 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 ?

KULDIP SINGH J. (ORAL)

The present revision has been filed against the judgment dated 28.07.2010 passed by learned Addl. Sessions Judge-II, Bhiwani, affirming the judgment of conviction dated 18.04.2017 and the order of sentence dated 23.04.2017 passed by learned Judicial Magistrate 1st Class, Siwani-Camp at Bhiwani, whereby the petitioner was convicted and sentenced as under:

<i>Sr. No.</i>	<i>Offence</i>	<i>Imprisonment</i>	<i>Fine</i>	<i>In default of payment of fine</i>
1	279 IPC	--	Rs.800/-	--
2	304-A IPC	R.I. for one year	Rs.500/-	R.I. for two months

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

The allegations against the petitioner are that on 20.11.2013, while he was driving a tractor trolley Make Eicher bearing registration No.HR-21-6181 rashly and negligently at a very high speed hit the three-wheeler. As a result of which, the three-wheeler bearing registration

No.HR-39-9464, being driven by Jai Bhagwan turned turtle and one person,

namely, Pawan Kumar, who had appeared in 10th Class examination on the said date came under the three-wheeler. Pawan Kumar was removed to GH, Bhiwani, where he was declared brought dead.

Custody certificate dated 03.09.2017 of the petitioner has been filed in the Court today and the same is taken on record.

In this case, the eye witness has supported the prosecution case. The mechanic has also proved his reports, showing that the said tractor trolley was involved in the accident.

There are concurrent findings of two courts below. There is no misreading of the evidence nor any illegality or infirmity has been found in the findings recorded by both the courts below. The sentence awarded to the petitioner is of rigorous imprisonment for one year under Section 304-A IPC in addition to fine. In this case, a 10th class student lost his life at young age. Therefore, there is no ground to reduce the sentence awarded to the petitioner.

In view of the aforesaid, the present revision petition is dismissed.

The petitioner, who is on bail, is ordered to be re-arrested and committed to jail to undergo remaining part of the sentence.

(KULDIP SINGH)
JUDGE

September 04, 2017

sarita

Whether speaking / reasoned Yes

Whether Reportable: No