

**210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRR No.2422 of 2012 (O&M)
Date of decision : July 10, 2017**

Yasin Khan

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- None for the petitioner.

Mr. D.R. Singla, Deputy Advocate General, 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)

Today, again learned counsel for the revisionist has not appeared despite being notified. The previous orders show that there were three consecutive defaults. It appears that learned counsel for the revisionist is not interested in pursuing the matter. Therefore, this Court proceed to examine the lower court record.

The present revision has been filed against the concurrent findings of both the Court below.

I have examined the lower court record.

Custody certificated dated 09.07.2017 of the revisionist has been filed in the Court today and the same is taken on record.

It is alleged that according to the complainant, the accused-revisionist was driving a truck bearing registration No.RJ-16G-0386 in a rash and negligent manner and hit one Shadi Ram, who died at the spot. The case was registered on the complaint made by Mani Ram, Ex. Sarpanch. A

perusal of the judgment dated 13.01.2010 passed by the learned Judicial

Magistrate 1st Class, Rewari shows that after recording the evidence, the statement of complainant Mani Ram was believed that due to rash and negligent driving of the accused-revisionist, Shadi Ram lost his life. Accordingly, the accused-revisionist was convicted for the commission of offence punishable under Sections 279 and 304-A IPC and was sentenced to undergo rigorous imprisonment for six months for the commission of offence punishable under Section 279 IPC and further sentenced to undergo rigorous imprisonment for one year and to pay a fine of ₹1,500/- for the commission of offence punishable under Section 304-A IPC and in default thereof to further undergo simple imprisonment for two months vide judgment of conviction 13.01.2010 and order of sentence dated 22.01.2010. Both the sentences were ordered to run concurrently. In an appeal filed by the accused-revisionist against his conviction, learned Addl. Sessions Judge, Rewari, vide judgment dated 17.07.2012 affirmed the findings recorded by the learned Magistrate.

After going through the record, I am of the view that the statement of the complainant was rightly believed by the courts below, which was duly supported by the statements of other witnesses. There are concurrent findings of both the courts below. There is no ground to interfere in the same. The revisionist is ordered be arrested and committed to jail for remaining part of the sentence.

As such the same is dismissed.

(KULDIP SINGH)
JUDGE

July 10, 2017

sarita

Whether speaking / reasoned

Yes

Whether Reportable:

No