

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

**CRR No.767 of 2016 (O&M)
Date of Decision: August 21, 2017**

Parveen Khurana

...Petitioner

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Aditya Sanghi, Advocate
for the petitioner.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Parveen Khurana against respondents State of Haryana and Paras, challenging the impugned judgment dated 19.11.2015 passed by learned Principal Magistrate, Juvenile Justice Board, Karnal, vide which the accused-respondent was acquitted.

I have heard learned counsel for the petitioner and have gone through the record.

The perusal of the record shows that challan was presented against Juvenile Paras in case FIR No.11 dated 05.01.2015 under Sections 279 and 304-A IPC. The brief facts of the case as noted down in the judgment passed by learned Principal Magistrate, JJB, Karnal, are as under:-

“2. The brief facts as averred by the complainant Parveen Khurana are that his nephew Gautam had gone in the Swift

Car no.HR05-AE-7001. At about 7:35 P.M, he had received a telephonic message that Gautam Khurana and his friends had met an accident near the Noor Mahal Hotel at which he (complainant) and his son Varun had reached on the spot and had found that the PCR Van had taken his Nephew Gautam and other injured persons to the hospital where his nephew Gautam had died due to injuries suffered in the accident.”

In support of its case, prosecution examined 18 witnesses,

In the statement under Section 313 Cr.P.C., the juvenile denied the incriminating evidence and pleaded his innocence.

Learned Principal Magistrate, JJB, Karnal, on the basis of the evidence, acquitted the juvenile vide impugned judgment dated 19.11.2015.

Aggrieved from the above-said judgment, present revision has been filed by the petitioner-complainant.

From the record, I find that, as regarding statement of complainant Parveen Khurana PW-7, he reached the spot after receiving the information and he is not an eye witness of the occurrence. The evidence deposed by him is hear-say evidence. Qua PW-11 Manoj Kumar, who is father of accused-Paras, he has not supported the prosecution version and has turned hostile. As regarding PW-15 Abhimanyu Dawar and PW-18 Aman Kapoor, admittedly, they were in the car which was being driven by Gautam Khurana (now deceased). The occurrence took place on 25.01.2015 at about 7.10 p.m. Admittedly, those were winter days and there was dark. It is also in the evidence that lights of both the vehicles were on. In these circumstances, there was no opportunity with the person travelling in the car of the victim to see the driver of the offending car and to identify him. No identification parade has been conducted in the present case.

Furthermore, it is in the evidence that there was one girl in the

offending car which was being driven by the accused but that girl has not been cited as witness nor examined in the Court. Statement of PW-15 Abhimanyu Dawar was recorded by the police on 11.03.2005 i.e. after one and a half month of the accident but even then, the name of juvenile was not mentioned. The Court held that it was incumbent upon PW-15 Abhimanyu Dawar to disclose from where he came to know about the name of juvenile. PW-18 Aman Kapoor deposed as per prosecution version. He deposed that he had seen the juvenile and at that time, he was not conscious to say whether the juvenile was driving the car or not and on the next date, he came to know that the offending vehicle was being driven by one boy and girl was also present in that vehicle and the name of that boy was Paras Gupta. The Court held that statement of Aman Kapoor was recorded on 02.02.2016 i.e. after 7-8 days, but in that statement also, there is no mention regarding the name of driver of the offender vehicle.

In view of the facts and circumstances of the case and in view to the evidence, learned Juvenile Justice Board, by giving benefit of doubt, acquitted the juvenile. The impugned judgment dated 19.11.2015 passed by learned Principal Magistrate, Juvenile Justice Board, Karnal is correct, as per law and evidence and does not require any interference from this Court.

Therefore, finding no merit in the present revision petition, the same is dismissed.

August 21, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No