

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

**CRR No.1884 of 2017 (O&M)
Date of decision : July 06, 2017**

Banwari Lal

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. J.P. Jangu, Advocate for the petitioner.

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)

Heard.

The allegations against the present revisionist are that on 10.06.2010, while he was driving a trailer bearing registration No.RJ-32GA-2199 rashly and negligently, he hit the motorcycle being driven by Devender @ Jitender along with pillion rider Chiranji Lal. Both of them died due to crushing under the trailer. The accused-revisionist left the trailer at the spot and fled away. He was seen by the complainant Vinod Kumar and witness Mangtu Ram. Later on, he was arrested by the police and got identified by the witnesses. The lower court after recording the evidence, came to the conclusion that the offence committed by the revisionist was proved. Accordingly, he was convicted for the commission of offence punishable under Section 279 and 304-A IPC vide judgment of conviction dated 15.09.2015 and sentenced to undergo rigorous imprisonment for six month and to pay a fine of ₹1,000/- and in default thereof to undergo further rigorous imprisonment for one month for the commission of offence

punishable under Section 279 IPC and to undergo rigorous imprisonment

for one year and to pay a fine of ₹1,000/-, in default thereof to further undergo rigorous imprisonment for one month for the commission of offence punishable under Section 304-A IPC vide order of sentence dated 17.09.2015. Both the sentences were ordered to run concurrently. The accused-revisionist was also directed to pay compensation of ₹10,000/- each to the family members of the deceased Devender @ Jitender and Chiranji Lal.

Aggrieved by the said judgment, the revisionist had preferred an appeal before the learned Addl. Sessions Judge, Rewari, which was dismissed vide judgment dated 05.05.2017.

Learned counsel for the revisionist has argued that in this case identity of the accused-revisionist has not been proved. He has also stated that one of the witnesses, namely, Mangtu Ram, PW8 had turned hostile and did not support the prosecution case.

However, the examination of the lower court record shows that Ram Avtar, PW3 identified the accused-revisionist and in his cross-examination he stated that identification parade was held and he had identified the accused-revisionist. Complainant Vinod Kumar also identified the accused-revisionist. The accused-revisionist was seen running by both the witnesses. Therefore, the identity of the accused-revisionist is established. The fact that the trailer ran over the motorcycle and crushed two persons, resulting in their instant death shows that the trailer was driven rashly and negligently by the accused-revisionist. When he was arrested by the police, he did not make any complaint to any authority that he has been falsely implicated. There are concurrent findings of both the courts below.

There is no illegality or infirmity in the same.

Learned counsel for the accused-revisionist prays for leniency in the sentence.

I am of the view that in this case two persons lost their lives, therefore, the sentence of rigorous imprisonment for one year cannot be called excessive or harsh.

As such, the present revision petition is dismissed.

(KULDIP SINGH)
JUDGE

July 06, 2017
sarita

Whether speaking / reasoned	Yes
Whether Reportable:	No