

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 2133 of 2017 (O/M)

Date of decision : 3.7.2017

Duni Chand

..... Revisionist

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Jatinder Kumar Kamboj, Advocate, for the revisionist.

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 ?

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KULDIP SINGH J. (ORAL)

This is revision against the judgment dated 3.5.2017, passed by the learned Sessions Judge, Rupnagar, vide which the judgment of conviction and order of sentence dated 30.8.2016, passed by the learned Judicial Magistrate 1st Class, Anandpur Sahib, was upheld, vide which accused-revisionist was sentenced as under :-

Under Section 279 IPC: To undergo rigorous imprisonment for six months.

Under Section 337 IPC: To undergo rigorous imprisonment for six months.

Under Section 338 IPC: To undergo rigorous imprisonment for six months.

Under Section 304-A : To undergo rigorous imprisonment for two years.
IPC

The brief allegations against the accused-revisionist are that on 29.7.2011, he drove his truck bearing registration No. HP-64-4035 rashly and negligently and hit the car being driven by one Sukhwinder Singh, in which he was accompanied by his wife Pardeep Kaur, mother Surjit Kaur and daughter Harnoor Kaur, aged about 2 years. The car was hit from back, due to which the car hit the divider. Thereafter, the accused again struck the truck in the car and dragged the car to some distance, as a result of which Harnoor Kaur (minor) fell out of the car and her head was crushed under the

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tyres of the truck. The accused-revisionist came out of the truck and saw the accident and thereafter ran away alongwith the truck. The learned counsel for accused-revisionist has argued that no test identification parade was conducted. This point was dealt with by the learned Sessions Judge, Rupnagar, and it was held that since the accused came out of the truck and saw the complainant and eye witnesses, therefore, no test identification parade was required. The registration number of the truck was mentioned in the FIR. In this case, the owner of the truck was declared hostile.

In the given circumstances, I am of the view that the statement of complainant and eye witnesses to the effect that accused-revisionist was driving the truck was rightly accepted by both the Courts below. There was no need of test identification parade. Therefore, the findings of conviction by both the Courts below are upheld.

The learned counsel for accused-revisionist has further argued that the sentence of two years rigorous imprisonment under Section 304-A IPC is quite harsh and has prayed for reduction in the same, stating that accused-revisionist is not previously convicted.

After taking into consideration the facts and circumstances of the case, there is scope of reduction of sentence, passed under Section 304-A IPC. Therefore, the sentence of rigorous imprisonment under Section 304-A IPC is reduced from two years to 1 ½ year. With this modification, the present revision is dismissed.

(KULDIP SINGH)
JUDGE

3.7.2017
sjks

Whether speaking / reasoned	:	Yes
Whether Reportable	:	No