

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

**CRR-2224 -2017 (O&M)
Date of decision: 10.08.2017**

Kulwinder Singh**.....Petitioner****versus****State of Punjab****.....Respondent****CORAM: Hon'ble Mr.Justice Kuldip Singh****Present: Mr.Rajiv Vij, Advocate for the petitioner**

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Documents filed in Court are taken on record.

The present revision petition is directed against the judgment 18.4.2017, passed by learned Additional Sessions Judge, Jalandhar affirming the judgment of conviction and order of sentence dated 14.7.2015 passed by learned Judicial Magistrate First Class, Jalandhar, vide which, the present petitioner was convicted for commission of offences punishable under Sections 279, 304-A and 427 IPC and sentenced as under:-

<i>Name</i>	<i>IPC</i>	<i>Imprisonment</i>	<i>Fine</i>	<i>In default</i>
<i>Kulwinder Singh</i>	<i>279 IPC</i>	<i>To undergo Rigorous Imprisonment for a period of six months</i>	-	-
	<i>304-A IPC</i>	<i>To undergo Rigorous Imprisonment for a period of one year</i>	-	-
	<i>427 IPC</i>	<i>To undergo Rigorous Imprisonment for a period of six months</i>	-	-

All the sentences were directed to run concurrently.

I have heard learned counsel for the petitioner and have also

carefully perused the record.

In this case, as per prosecution case, the accused was driving a tractor-trolley, which hit the motorcycle coming from the opposite direction. Sudesh Singh (PW2) was driving the motorcycle and his mother was riding the pillion. As a result of the accident, mother of Sudesh Singh fell down. Her face and head struck against the road. Later on, she succumbed to the injuries. The tractor-trolley driver left the tractor-trolley at the spot and ran away. The facts itself shows that the identity of the vehicle involved in the accident is established. Then the prosecution also examined Makhan Singh witness who had sold the tractor-trolley to the present petitioner. It is not a case of the present petitioner that he had lent the tractor-trolley to somebody else and he was not driving the same.

Learned counsel for the petitioner has argued that the petitioner was identified in the Court and that the presence of the complainant Baljit Singh is not proved.

I am of the view that even if the statement of Baljit Singh is ignored for one or the other reason, Sudesh Singh is stamped witness. He was driving the motorcycle which met with the accident. He was also injured in the accident. Therefore, the statement of Sudesh Singh has to be believed. So far as ownership is concerned, there is clinching evidence in the form of statement of Makhan Singh(PW9), who has asserted that he had sold the tractor to the present petitioner, which is not controverted.

Learned counsel for the petitioner has further pleaded that in this case, the medical evidence was not produced.

I am of the view that even if it is so, death is established by statements of the injured and the eye witness as well as inquest report

prepared by the police. The manner of the death is also proved.

It being so, there is no illegality or infirmity in the judgments of both the Courts below. Consequently, the present petition stands dismissed.

10.08.2017
gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:	Yes
Whether Reportable:	No