

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

CRR-2346-2017(O&M)

Date of Decision: 01.09.2017

MANJEET

... Petitioner

VS.

STATE OF HARYANA

..Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Tapan Yadav, 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)

Record of the lower Court is examined.

Heard.

Impugned in the present revision petition is the judgement dated 07.06.2017 passed by the learned Additional Sessions Judge, Rewari affirming the judgment of conviction dated 12.01.2015 and modifying the order of sentence dated 15.01.2015 passed by the Chief Judicial Magistrate, Rewari vide which the present petitioner was convicted under Section 279 and 304-A of Indian Penal Code and sentenced to undergo rigorous imprisonment for a period of six months and to pay a fine of ₹1,000/- under Section 279 of Indian Penal Code and to undergo rigorous imprisonment for a period of two years and to pay a fine of ₹ 5,000/- under Section 304-A of Indian Penal Code and in default of payment of fine to further undergo simple imprisonment for three months. Both the sentences were directed to run concurrently. However, learned Additional Judge, has reduced the sentence of the petitioner from rigorous imprisonment for 2 years under Section 304-A to rigorous imprisonment for 1 year under the said Section.

At the very outset, learned counsel for the petitioner has argued that in this case, the statement of accused under Section 313 Cr. P.C. was not properly recorded as each and every question was not put to him, therefore, the defence of the accused-petitioner was prejudiced.

After going through the statement recorded under 313 Cr. P.C., it comes out that the same is not properly recorded. The statement of witnesses was not put to the accused so as to explain him all the circumstances. I am of the view that, in the statement of the accused recorded under Section 313 Cr. P.C., all the incriminating evidence is required to be put to the accused and preferably short questions should have been put to enable him to explain all the circumstances. As such on the short ground, the judgments of the courts below are set aside and the case is remanded back to the learned Chief Judicial Magistrate, Rewari with direction to put all the incriminating evidence to the accused-petitioner by putting short questions and then allow him to lead fresh defence evidence, if he so desires and thereafter, after hearing both the parties, fresh judgment be passed.

It is further ordered that the appearance of the accused-petitioner be procured before the Court of the learned Chief Judicial Magistrate, Rewari on 20.09.2017, by issuing his production warrants.

The record of the lower Court immediately be sent back.

September 1, 2017

Suresh Kumar

**[KULDIP SINGH]
JUDGE**

Whether speaking / reasoned :

✓
Yes / No

Whether Reportable :

✓
Yes / No