

The allegations against present revisionist are that on 10.3.2013, he drove his canter bearing registration No. RJ 14GB-8018

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rashly and negligently and hit a three wheeler bearing registration No. HR 61-9876, being driven by Mukesh Kumar on the by-pass of village Silani Kesho, near Jhajjar. At that time, wife of Mukesh was sitting on the front seat and the complainant Subhash was also riding the said three wheeler. As a result of accident, Mukesh and his wife Rajesh died at the spot. The present revisionist parked his canter and came out of his vehicle and disclosed his name to the complainant. As the mob gathered at the spot, present revisionist ran away from the spot leaving his canter at the spot. Both the Courts below believed the statement of eye witness and the police investigation that the revisionist has committed the crime.

The learned counsel for revisionist has argued that complainant Subhash has stated in his cross examination that he regained conscious after one and half hour. Therefore, the identity of the accused is not proved.

I am of the view that the statement of complainant Subhash is to be read as a whole. In the examination in chief, Subhash has clearly stated that in the accident, he received minor scratches. In cross examination, he has merely stated that he regained conscious after one and half hour after the accident. He never stated that before the accident or after the accident, he became unconscious. Therefore, that statement of complainant Subhash cannot be read out of the context. The fact remains that complainant Subhash received minor injuries and it was never claimed at any stage that he was unconscious after the accident. His statement was promptly recorded by the police, which shows that he never became unconscious on the spot. Moreover, the identity of the vehicle and the driver is also proved. Accused left the canter at the spot, therefore, the identity of canter is proved. Before the Court, the owner of canter Jai Ram (PW1) was examined, who

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has testified that present revisionist-accused is his driver and was driver on the said canter. The accused has never stated that he had given canter to somebody else. Therefore, the identity of the accused is established. There are concurrent findings of two Courts below. There is no ground to interfere in the same. In this case, two persons lost their life. The sentence of simple imprisonment for one year is already on the lesser side. Therefore, there is no scope of reduction in sentence. Hence, the revision is dismissed.

(KULDIP SINGH)
JUDGE

14.7.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No