

112 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.2725 of 2017 (O&M)
Date of decision : August 10, 2017

Shammi Khatkar Petitioner

Versus

State of UT Chandigarh Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Harpreet Singh Gharuan, 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)

The present revision petition is directed against the judgment dated 02.08.2017 passed by learned Addl. Sessions Judge, Chandigarh, affirming the judgment of conviction and order of sentence dated 21.03.2017 passed by learned Judicial Magistrate 1st Class, Chandigarh, vide which the present petitioner was convicted and sentenced as under:

<i>Sr. No.</i>	<i>Offence</i>	<i>Sentence</i>	<i>Fine</i>	<i>Sentence in default of payment of fine</i>
1	279 IPC	R.I. for three months	₹500/-	five days
2	338 IPC	R.I. for six months	₹2,000/-	one month

Both the sentences were directed to run concurrently.

I have heard learned counsel for the petitioner and have also carefully gone through the case file.

A perusal of judgments of both the courts below and the statement of injured produced during the course of arguments shows that the car bearing registration No.CH-01-AM-0802 being driven by the present petitioner hit the motorcycle bearing registration No.CH-01-AD-9918, on

which two persons were riding. As a result of the accident, right leg of

victim Rishab, PW3 was fractured from several places. It also comes out from the evidence that the right leg of the victim was entangled with the front wheel of the car of the petitioner. The petitioner came out of the car and removed the injured to the side of the road and then sped away in his car without removing the injured to the hospital. The injured identified the petitioner in the Court, stating that he is the same person, who had removed his right leg entangled with the front wheel of his car and also disclosed his name. Thus, there is no illegality or infirmity in the findings recorded by both the courts below, believing the evidence of the injured/victim and the doctor.

Keeping in view that multiple fractures on the person of the injured/victim, the sentence awarded by the lower court is not on the higher side.

As such, the present petition has no merit and is dismissed.

(KULDIP SINGH)
JUDGE

August 10, 2017

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Whether speaking / reasoned Yes

Whether Reportable: No