

The perusal of report of mechanic shows that indicator of Tata

CRR No. 3322 of 2017 (O/M)

407 was damaged and Tata 407 was left at the spot after the accident. Therefore, it is not that center of Tata 407 which hit the motorcycle, rather it is the side of Tata 407 which hit the motorcycle. Therefore, motorcycle could fall ahead of place of accident. The identity of vehicle is established as it was found at the place of accident.

The learned counsel for revisionist has further argued that revisionist was identified for the first time in Court by Narender (complainant) and that Gulab, who had produced revisionist before the police, had turned hostile.

Narender has stated in his statement that the person present in Court was the person who was driving the vehicle. In cross examination, a suggestion was put to him that after the accident, accused came to the spot with his vehicle and he was falsely implicated. Therefore, accused does not deny his presence at the place of accident. The vehicle was found involved in the accident, which is proved from the report of mechanic. Therefore, the identity of accused is also established.

The learned counsel for revisionist, faced with these circumstances, has prayed for showing leniency in sentence.

Keeping in view the fact that sentence awarded is of rigorous imprisonment for one year and keeping in view of the rising number of deaths in motor vehicular accidents, there is no ground to show any leniency in the sentence. Hence, revision is dismissed.

(KULDIP SINGH)
JUDGE

4.12.2017
sjks

Whether speaking / reasoned	:	Yes / No
Whether Reportable	:	Yes / No