

The learned counsel for revisionist has impugned the judgments of both the Courts below on the ground that revisionist was not identified at the spot and that name of revisionist was told to complainant and eye witness Ashwani Kumar by police. Revisionist was driving a bus. After the accident, the bus was left at the spot. The scrutiny of evidence of Pawan Kumar (PW2) and Ashwani Kumar (PW5) shows that they were examined in chief and their cross examination was deferred, though they have stated that name of accused was disclosed to them by the police. However, they have stated that they saw the accused at the spot at the time of accident. Ashwani Kumar has specifically stated that he saw the accused for the first time at the time of accident and Pawan Kumar stated that he saw the accused for the first time when was running away after the accident. In these circumstances, there was no need of identification parade. The mere fact

CRR No. 3701 of 2017 (O/M)

that his name was disclosed later on is no ground to hold that he was not driving the bus. Accused was identified by witnesses as the same person, who was driving the bus. It being so, it cannot be said that identification of accused was not established.

Faced with this situation, learned counsel for revisionist has prayed for showing some leniency on the quantum of sentence.

Considering that maximum sentence awarded for the offence in this case is one year and one person has lost his life, I do not find any ground to reduce the sentence. Hence, revision is dismissed.

(KULDIP SINGH)
JUDGE

22.11.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No