

Present revision is directed against the judgment dated 6.10.2017, passed by the learned Sessions Judge, Faridabad, affirming the judgment of conviction dated 20.8.2016 and order of sentence dated 22.8.2016, passed by the learned Judicial Magistrate 1st Class, Faridabad, whereby revisionist was convicted under Sections 279 and 304-A IPC and was sentenced to undergo rigorous imprisonment for six months and fine of Rs. 1,000/-, in default thereof, to further undergo rigorous imprisonment for 15 days under Section 279 IPC. He was also sentenced to undergo rigorous imprisonment for two years and fine of Rs. 2,000/-, in default thereof, to further undergone rigorous imprisonment for one month under Section 304-A IPC. Both the sentences were ordered to run concurrently. However, in appeal, the learned Sessions Judge, Faridabad, vide judgment dated 6.10.2017, reduced the sentence of rigorous imprisonment for two years, awarded under Section 304-A IPC to rigorous imprisonment for one year.

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The perusal of judgments of both the Courts below shows that complainant Jawahar Singh as well as eye witness Mehar Singh were present at the time of accident. They have specifically deposed that the accused was driving the offending motorcycle bearing registration No. HR-29A-8914 rashly and negligently and hit the deceased Sandeep from backside. Sandeep died at the spot.

The learned counsel for revisionist contends that in this case, the post mortem report was not proved. Therefore, cause of death is not proved.

I am of the view that the statements of complainant Jawahar Singh and Mehar Singh eye-witness are sufficient to prove that Sandeep Singh died due to rash and negligent driving of motorcycle by present revisionist. The death of Sandeep is not denied. The cause of death is given by the witnesses. The inquest report is prepared by the police, wherein they have shown the dead body and given cause of death, as stated by the witnesses. They also mentioned the injuries suffered by Sandeep (deceased).

After going through the judgments of both the Courts below, I do not find any illegality or infirmity in the same. There is no ground to reduce the sentence as well. Hence, revision is dismissed.

(KULDIP SINGH)
JUDGE

6.11.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No