

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 4224 of 2017 (O/M)
Date of decision : 17.11.2017

Karambir

..... Revisionist

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Gopal Sharma, Advocate, for revisionist.

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)

Impugned in present revision is the judgment dated 21.9.2017, passed by the learned Additional Sessions Judge, Kaithal, affirming the judgment of conviction dated 23.2.2015 and order of conviction dated 24.2.2015, passed by the learned Additional Chief Judicial Magistrate, Kaithal, vide which revisionist was convicted under Sections 279, 304-A IPC and was sentenced to undergo rigorous imprisonment for three months and to pay fine of Rs. 500/-, in default of payment of fine, to further undergo simple imprisonment for one month under Section 279 IPC. He was further sentenced to undergo rigorous imprisonment for one year and fine of Rs. 1,000/-, in default of payment of fine, to further undergo simple imprisonment for two months under Section 304-A IPC. Both the sentences were directed to run concurrently.

Heard.

It comes out that Rajpal alongwith his brother Ravi was doing some labour work of construction of a panchayat street. On 15.2.2012, at

CRR No. 4224 of 2017 (O/M)

about 8:00 PM, a tractor trolley bearing registration No. HR08N-1277 loaded with sand being driven rashly and negligently by present revisionist ran over Ravi. He was removed to hospital, where he was declared brought dead. Both the Courts below have believed the statement of Rajpal.

The learned counsel for revisionist contends that Rajpal could not tell the name of masons and other labourers. He also could not tell the width of street. He has also referred to statement of Rajpal.

I am of the view that both the Courts below properly examined the evidence. The witness was not required to measure the width of street, nor he is expected to ask for name of other co-labourers and the masons. There is no enmity between the parties. Therefore, it cannot be said that both the Courts below have committed illegality and perversity by believing the statement of Rajpal. The maximum sentence awarded for offence is rigorous imprisonment for one year. No ground to interfere in the sentence as well. Hence, revision is dismissed.

(KULDIP SINGH)
JUDGE

17.11.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No