

CRR-4882 of 2017 (O&M)

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRR-4882 of 2017 (O&M)
Date of Decision: 22.12.2017

Mohan Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Ravinder Bangar, Advocate, for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through instant revision petition, challenge has been laid to judgment dated 13.11.2017 of learned Additional Sessions Judge, Ludhiana, dismissing the appeal of the petitioner and affirming the judgment of conviction and order of sentence dated 05.12.2016 of learned Sub Divisional Judicial Magistrate, Khanna, whereby the petitioner has been held guilty and sentenced to undergo rigorous imprisonment for six months under Section 279 IPC and rigorous imprisonment for two years under Section 304-A IPC and to pay fine of ₹ 500/- and ₹ 1500/-, respectively. In case of failure to pay the fine to further undergo rigorous imprisonment for 15 days under Section 279 IPC and for two months under Section 304-A IPC.

Briefly stated, the petitioner was booked, tried and convicted by the trial Court under the aforesaid Sections on the allegations that on 11.03.2015, petitioner while driving his truck bearing registration No.PB-

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23-N-6634 rashly and negligently and also in a high speed struck against the motorcycle of the complainant and run over one Babli by front tyre of his truck as a result of which she succumbed to her injuries on the spot.

Being aggrieved, petitioner preferred appeal, but remained unsuccessful as the same was dismissed vide order dated 13.11.2017.

Learned counsel for the petitioner contends that the petitioner was not apprehended at the spot. No identification parade was ever conducted, therefore, identity of the petitioner in the impugned accident is quite doubtful. In fact, the complainant, driving the motorcycle, himself was at fault as he was carrying two pillion riders in violation of Motor Vehicles Act and the Rules thereunder. Thus, the accident had occurred due to negligence of the complainant.

I have given thoughtful consideration to the submissions made by learned counsel for the petitioner.

The aforesaid contentions of the petitioner have already been dealt with by both the Courts below in detail. Complainant Naresh Kumar, appearing as PW2 in the trial Court, categorically stated that he had seen the offending truck coming from the backside, but the petitioner-accused hit into the bike without blowing any horn. This witness was cross-examined at length, but nothing favourable could be elicited from his mouth. The violation of provisions of Motor Vehicles Act and Rules thereunder by the complainant did not give any permit to the petitioner to run over the violator or his pillion riders by rash and negligent driving. For that the violator is liable to be punished under the law. The petitioner, during trial, nowhere denied his identity and his driving the offending truck.

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judgments of both the Courts below recording concurrent findings. Hence the petition is dismissed.

December 22, 2017
R.S.

(RAMENDRA JAIN)
JUDGE

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