

CRR-502 of 2009

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

CRR-502 of 2009
Date of decision: 07.08.2018

Labh Singh

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- None for the petitioner.
Mr. Arjun Singh Yadav, AAG, Haryana.

RAMENDRA JAIN, J. (ORAL)

Perusal of file shows that after listing this case for motion hearing, the same has been taken on board for seven times. Out of which, on four occasions none appeared on behalf of the petitioner and on rest of the dates, adjournment was sought. In order dated 06.12.2017, it was observed by a Co-ordinate Bench of this Court that in case arguments are not addressed on behalf of the petitioner on the next date, in that eventuality, this petition shall be disposed of after perusing the record.

Pursuant to the aforesaid order, this revision is being disposed of after perusing the record.

Briefly, in the morning of 15.08.1997, petitioner Labh Singh while driving Tata-407 bearing registration No.HR-32-0730 in a rash and negligent manner and also in high speed struck against scooter of Rajpal bearing registration No.HR-08A-7752. As a result thereof, Rajpal fell down on the road and succumbed to his injuries on the spot. The matter was

reported to the police by complainant Mohan Lal, who had witnessed the

CRR-502 of 2009

accident. The police after thorough investigation, found the petitioner guilty for causing accident in question. Therefore, it filed final report under Section 173 Cr.P.C. against him. The trial Court, after holding trial, found the petitioner guilty under Sections 279 and 304-A IPC vide judgment of conviction dated 11.08.2006 and sentenced him to undergo rigorous imprisonment for two years and pay fine of Rs.3,000/- for commission of offence under Section 304-A IPC. In default thereof, undergo simple imprisonment for six months. To undergo rigorous imprisonment for four months and pay fine of Rs.500/- for commission of offence under Section 279 IPC. In default thereof, undergo simple imprisonment for three months, vide order of sentence dated 12.08.2006.

Being aggrieved, petitioner approached the First Appellate Court, but remained unsuccessful as his appeal too was dismissed vide judgment dated 07.02.2009.

Through this petition, petitioner has challenged the impugned judgment of conviction and order of sentence on the ground that none of the prosecution witnesses was known to the petitioner earlier to the accident. The petitioner was arrested after 20 days of the occurrence. Despite that, no identification parade was conducted. Therefore, identity of the petitioner or his vehicle was not established by the prosecution. Scooter, allegedly, driven by the deceased even did not suffer a single scratch or any damage, which in itself speaks that the petitioner did not struck his vehicle against it. The deceased was a minor, thus, might have entangled his scooter in the pavement or other thing and as a result thereof, he fell down and received head injury as he was not wearing helmet and died.

Learned State counsel has pleaded the legality and validity of concurrent findings of both the Courts below urging that both the impugned

CRR-502 of 2009

judgments are well-reasoned. There is appreciation of evidence. Therefore, no interference is required in the same.

Having considered the grounds taken in the revision and submissions of learned State counsel, I find the instant petition completely devoid of any merit for the reasons to follow.

No question of law much less substantial has been raised in this petition.

All the points raised in this petition have already been dealt with by both the Courts below in detail after appreciation of evidence. Therefore, their re-consideration is not required.

The identity of the petitioner was well-established by the prosecution witnesses inasmuch as PW2 complainant Mohan Lal has categorically testified that he has identified the petitioner on the spot. This witness even, in his cross-examination, deposed that the petitioner had alighted from the offending vehicle after the accident and he had identified him on the spot before he succeeded in fleeing away.

The petitioner has not pleaded or proved any motive or any reason to grind axe against him by the prosecution witnesses to falsely implicate him. Therefore, their testimony cannot be disbelieved.

Investigating Officer, during investigation, has found the complicity of the petitioner in causing the accident, resulting into the death of Raj Pal.

Statements of the prosecution witnesses are consistent on all material points without any significant contradiction.

Non-moving of any complaint or raising any grouse by the petitioner before the higher authorities for his alleged false implication in itself is sufficient to draw inference against the petitioner that he was guilty

CRR-502 of 2009

in his mind for causing the accident in question.

Offending vehicle bearing registration No.HR-32-0730 was taken into possession by the police from the spot. Mechanical report Ex.PE also proved that the same had met with an accident.

The petitioner failed to prove as to how his vehicle reached the spot, which he, later on taken on superdari.

In view of the discussion made above, this petition is dismissed.

Learned Chief Judicial Magistrate, Kaithal, is directed to issue arrest warrants of the petitioner for undergoing remaining sentence.

August 07, 2018
R.S.

(Ramendra Jain)
Judge

Whether speaking/reasoned Yes/No

Whether reportable Yes/No