

CRR-2028 of 2010

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-2028 of 2010
Date of decision: 10.09.2018

Ramesh
.....Petitioner

versus

State of Haryana
.....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Raghav Goel, Advocate,
for Mr. Harkesh Manuja, Advocate, for the petitioner.
Mr. Arjun Singh Yadav, AAG, Haryana.

RAMENDRA JAIN, J. (ORAL)

Through this revision, challenge has been laid to judgment dated 22.07.2010 of the First Appellate Court, affirming the judgment of conviction dated 10.08.2005 and order of sentence dated 11.08.2005 of the trial Court holding the petitioner guilty under Sections 279, 337 and 304-A IPC and sentencing as under: -

<i>Under Section</i>	<i>Imprisonment</i>	<i>Fine</i>	<i>In default of fine</i>
304-A IPC	R.I. for two years	₹2000/-	R.I. for one month
279 IPC	R.I. for three months	₹500/-	R.I. for seven days
337 IPC	R.I. for three months	₹500/-	R.I. for seven days

Briefly, petitioner was booked, tried under Sections 279, 337, 338 and 304-A IPC in FIR No.12 dated 14.03.2000 for causing death of two persons, namely Prem and Rishi while driving his Tata-407 vehicle bearing No.HR-10-A-2991 on 13.03.2000 in a rash and negligent manner, convicted and sentenced vide aforesaid judgment of conviction and order of sentence by the trial Court.

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Being aggrieved, petitioner filed appeal, but remained unsuccessful as his appeal too was dismissed vide aforesaid impugned judgment by the First Appellate Court.

Learned counsel for the petitioner *inter alia* contends that petitioner was not present at the spot at the time of alleged accident as he had gone to fetch water from the nearby *gaushala* by parking his alleged offending vehicle on extreme left side of the road, which fact is proved on record by photographer Jagdish Chander PW8. In fact, the jeep in which the deceased were travelling, while coming from the opposite side in a wrong direction had struck against the stationery vehicle of the petitioner. Both the Courts below have failed to appreciate this aspect of the matter. In support of his arguments, learned counsel placed reliance on the judgment of this Court in ***Baldev Singh v. State of Haryana***, 2000(2) R.C.R. (Criminal) 826.

Having considered submissions made by learned counsel for the petitioner, this Court finds that instant revision is completely devoid of any merit for the reasons to follow.

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

Arguments, raised before this Court, have already been dealt with after appreciation of evidence by both the Courts below in detail. Therefore, this Court is not inclined to differ with the same. Statement of complainant PW2 Mahender Singh coupled with the statements of PW10 Chandi and PW11 Satbir, who had no axe to grind against the petitioner, has fully proved the case. Even PW3 Satpal has testified about rash and negligent driving of the petitioner.

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All the material witnesses were cross-examined at length, but nothing favourable to the petitioner could be elicited from their mouth. The trial Court has specifically observed after perusing the photographs of the spot that both the vehicles had suffered extensive damage in their front portion on driver's side.

Facts and circumstances of the aforesaid judgment relied upon by learned counsel for the petitioner are distinguishable from the facts and circumstances of the present case. Therefore, no benefit of the same can be given to the petitioner.

I have gone through the judgments of both the Courts below and find no illegality or perversity in the same. Rather the same are perfectly valid.

Dismissed.

Learned Chief Judicial Magistrate, Sonapat, is directed to issue arrest warrants of the petitioner to undergo remaining sentence.

September 10, 2018
R.S.

(Ramendra Jain)
Judge

Whether speaking/reasoned Yes/No

Whether reportable Yes/No