

CRR-2527 of 2015

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

CRR-2527 of 2015 (O&M)
Date of Decision: 27.11.2018

Iqbal

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. J.S. Hooda, Advocate, for the petitioner.
Mr. Vikas Chopra, DAG, Haryana.

RAMENDRA JAIN, J. (ORAL)

Through this revision, petitioner has laid challenge to judgment of conviction dated 11.12.2013 holding him guilty under Sections 279, 337 and 338 IPC and order of sentence dated 12.12.2013, sentencing him to undergo simple imprisonment for three months each under Sections 279 and 337 IPC and simple imprisonment for one year under Section 338 IPC and further judgment dated 07.07.2015 of the First Appellate Court dismissing his appeal.

Briefly, petitioner was booked vide FIR No.76 dated 11.04.2007 under Sections 279, 337, 338 and 304-A IPC registered at Police Station Hodal, on the allegations that in the evening of 10.04.2007 Mohd. Farukh was travelling in a three-wheeler. Its driver stopped the same near Hodal Bye Pass to alight passengers. In the meantime, one Alto car driven by the petitioner in a rash and negligent manner, hit their three-wheeler. As a result thereof, their three-wheeler was dragged at some

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distance, causing injuries to its passengers, including wife of the complainant, namely, Sariyam.

After holding trial, the trial Court held the petitioner guilty and sentenced him in the manner as narrated above. Being aggrieved against the judgment of conviction and order of sentence, petitioner approached the First Appellate Court, but remained unsuccessful as his appeal too was dismissed.

Learned counsel for the petitioner contends that impugned judgments of both the Courts below are based on surmises and conjectures inasmuch as, prosecution failed to lead any cogent and convincing evidence that the petitioner was driving his car in a rash and negligent manner. In fact, petitioner was driving car at a moderate speed with care and caution, observing all traffic rules, but it was the driver of three-wheeler, who stopped his three-wheeler all of a sudden without caring for the traffic on the road, which resulted into the impugned accident. All the prosecution witnesses except PW4 and PW7 turned hostile. Therefore, petitioner ought to have been acquitted by giving him benefit of doubt.

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

Petitioner was apprehended at the spot. Therefore, his identity is not disputed rather is fully established in causing the accident in question.

Turning of hostile of few prosecution witnesses does not affect the merits of the case inasmuch as PW4 supported the prosecution case in its entirety. No independent witness was required, when injured witness has

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proved the prosecution case. Quality of evidence has to be seen and not the quantity.

I have gone through the impugned judgments of both the Courts below and find no illegality or perversity in the same.

Dismissed.

Copy of this order be sent to learned Chief Judicial Magistrate, Palwal to issue arrest warrants of the petitioner to undergo remaining part of the sentence.

November 27, 2018
R.S.

(RAMENDRA JAIN)
JUDGE

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