

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRR-2537-2016 (O&M)
Date of Decision:- 19.12.2018

Meena ... Petitioner

Versus

State of Haryana and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sushil Sheoran, Advocate for the petitioner.

GURVINDER SINGH GILL, J. (Oral)

By way of filing this revision petition, the petitioner assails judgment dated 25.5.2016 passed by learned Additional Sessions Judge, Bhiwani whereby judgment dated 1.10.2015 passed by learned Judicial Magistrate 1st Class, Charkhi-Dadri acquitting respondent-Mahabir in respect of charges framed under Sections 279 and 304-A IPC has been upheld.

I have heard the learned counsel for the petitioner and have also perused the impugned judgment. Upon perusal of the impugned judgment, I find that the learned lower Court after appreciating the evidence on record has reached at a conclusion that it is a case where the accident in question had not been caused on account of any negligence on the part of Mahabir.

Rather the same had been caused when the auto-rikshaw driven by Mahabir fell in a pot-hole and turned turtle. Further when initial statement of Raj Kumar was recorded by the police, he had disclosed these very facts whereas subsequently when FIR was lodged after about one month of the occurrence at the instance of Meena w/o deceased who was not even an eye-witness it was alleged that the accident in question had been caused due to rash and negligent driving on the part of Mahabir. The learned trial Court found that the delay in lodging the FIR had been used to come out with a distorted version whereas PW-1 Raj Kumar in his initial statement had truthfully stated about the manner of accident i.e. on account of the fact that the three-wheeler had turned turtle when it hit a pot-hole.

I do not find any infirmity in the findings of the acquittal as recorded by the learned Judicial Magistrate 1st Class and as upheld by the learned Additional Sessions Judge. Even otherwise it is well settled that a judgment of acquittal is not to be reversed lightly and even if two views are possible the one favouring the accused should be taken.

There is no merit in this revision petition and the same is hereby dismissed.

December 19, 2018

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No