

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-1350 of 2018(O&M)
Date of Decision: 25.07.2018

Mohd. Salim

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. HS Ghuman, Advocate, for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through this revision challenge has been laid to the judgment of the First Appellate Court dated 12.01.2018, whereby judgment of conviction and order of sentence dated 17.11.2015 of the trial Court holding the petitioner guilty under Sections 304-A/279 IPC, awarding him simple imprisonment for one year under Section 304-A IPC and 6 months under Section 279 IPC, were affirmed.

Learned counsel for the petitioner *inter alia* contends that both the Courts below have failed to appreciate that the petitioner was not the owner of the alleged offending vehicle bearing registration No. PB-11AW(T) 3991. Rather, according to PW-4 Vishavajit Khullar, Accountant Manager, of Hemant Goyal Motors Pvt. Ltd., the owner of the vehicle was Rajnish Kumar. As per prosecution story, the petitioner himself disclosed his identity, which is completely unbelievable, because generally after committing a crime, no accused ever discloses his identity. That apart, no independent witness was joined by the police during investigation. Even

not recorded. There are major contradictions in the statements of alleged two eyewitnesses PW-2 Mohd. Yuddin complainant and PW-3 Mohd. Nayumudin. More so, both the above witnesses were interested witnesses being relative of the deceased. Both the Courts below should not have believed their statements.

Having considered the submissions made by leaned counsel for the petitioner, I find the instant revision completely devoid of any merit for the reasons to follow:-

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

There are concurrent findings of both the Courts below based on cogent, convincing and reliable evidence led by the prosecution during trial. Mohd. Ilfaz PW-1, complainant Mohd. Yuddin PW-2 and Mohd. Nayumdin PW-3 were accompanying the deceased at the time of accident. Therefore, their testimony before the Court has rightly been relied upon by both the Courts below.

The petitioner never moved any complaint to the higher authorities of the police or administration raising grouse about his alleged false implication. The petitioner himself had taken the deceased and aforesaid witnesses to the hospital in his offending vehicle and thereafter, escaped. In normal circumstances, while travelling, the occupant of a vehicle chats with each other and in that process, the petitioner must have disclosed his identity to the prosecution witnesses. Therefore, there is nothing abnormal in the conduct of the petitioner in disclosing his identity to the eyewitnesses, who were accompanying him taking the deceased to the hospital.

The discrepancies pointed out by learned counsel for the petitioner, in fact, are no discrepancies in the eyes of law, much less relates to insignificant aspect of the case. Dashing to a human being by the petitioner in itself is sufficient to draw adverse inference against him that the petitioner was driving his vehicle rashly and negligently and also in high speed. Therefore, it does not lie in the mouth of the learned counsel for the petitioner that prosecution did not prove alleged rash and negligent driving of the petitioner . No other point worth consideration was urged or arises in the instant revision.

I have gone through the judgments of both the Courts below holding the petitioner guilty as narrated above in the opening part of the judgment and find no illegality or perversity in the same. Accordingly, the same are affirmed.

Dismissed.

July 25, 2018
monika

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No