

104 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.2818 of 2018 (O&M)
Date of decision : September 20, 2018

Anup @ Anup Kumar Petitioner

Versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Rahul Jaswal, Advocate for the petitioner.

- 1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
- 2. To be referred to the Reporter or not.
- 3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

This is the revision petition against the judgment dated 05.06.2018 passed by learned Sessions Judge, Panipat, affirming the judgment of conviction and order of sentence dated 01.10.2015 passed by learned Judicial Magistrate 1st Class, Panipat, vide which the petitioner was convicted and sentenced as under:

Sr. No.	Offence	Punishment	Fine	In default of payment of fine
1	279 IPC	S.I. for 3 months	₹500/-	S.I. for 15 days
2	304-A IPC	S.I. for 1 year	₹5,000/-	S.I. for 15 days

I have heard learned counsel for the petitioner and have also carefully gone through the case file.

The case was registered on the statement of Arpit (grandson of the deceased Bhagwati Devi), who stated that he was going on a motorcycle bearing registration No.UP-12Y-9742 on 06.12.2011 around 2.00 p.m. When they reached near Government School, Sanoli, then a jeep bearing registration No.HR-69A-5828 being driven in a rash and negligent manner while overtaking other vehicles hit his motorcycle. As a result of which, his

grand-mother Bhagwati Devi fell on the ground and she sustained serious injuries. The tyre of the offending vehicle passed over her grand-mother's head. Bhagwati Devi succumbed to the injuries. The driver of the offending vehicle stopped the vehicle and upon inquiry, he disclosed his name as Anup S/o Ghan Shyam Dass. The people gathered at the spot. The accused on finding opportunity fled away from the spot. A perusal of the judgments passed by both the Courts below and the statement of the witness Arpit Kumar shows produced with the revision shows that he, supported the prosecution case. He identified the accused as the same person, who was driving the offending vehicle on the date of occurrence. He also stated that even after the crime, the accused had come to his house. Therefore, there is no illegality or infirmity in the findings recorded by both the Courts below.

Facing with this situation, learned counsel for the petitioner has prayed for showing leniency in the sentence awarded to the petitioner on the ground that he is 28 years old and there is nobody to look after his family.

I am of the view that the maximum sentence awarded to the petitioner is one year simple imprisonment, which is not excessive.

As such, the present revision petition is dismissed.

(KULDIP SINGH)
JUDGE

September 20, 2018

sarita

Whether speaking / reasoned Yes

Whether Reportable: No