

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR NO.3680-2018 (O&M)
DECIDED ON: November 02, 2018

RENU PARKASH

..PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Amit Kumar Ghosh,
Advocate for the petitioner.

RAMENDRA JAIN, J. (ORAL)

The petitioner through instant petition lays challenge to judgment dated 13.09.2018 of the appellate court, whereby the judgment of conviction dated 09.09.2017 and order of sentence dated 12.09.2017 of the trial court, holding the petitioner guilty under Section 279, 338 and 304-A IPC and sentencing him to undergo simple imprisonment for maximum period of one year have been upheld. However, all these sentences were ordered to run concurrently.

Briefly, the petitioner was booked, tried and held guilty under Sections 279, 338 and 304-A IPC and sentenced as narrated above in case FIR No.59 dated 03.02.2014 on the allegations that in the night of 02.02.2014, the petitioner while driving his car bearing HR-19G-7590 in a rash and negligent manner hit Ganga Devi and Neetu, mother and wife respectively of the complainant on service road adjacent to Delhi-Jaipur highway. As a result thereof, Ganga Devi and Neetu suffered multiple

injuries. Ganga Devi succumbed to her injuries at the spot whereas Neetu was shifted to Sukhdev Hospital, Dharuhera, Rewari for treatment. In the meantime, complainant also came to know that the petitioner further hit some other unknown person, while driving the aforesaid car in a gross negligent manner on that very night, who had also succumbed to his injuries.

Being aggrieved, the petitioner preferred an appeal, but remained unsuccessful, his appeal too was dismissed by the appellate court vide judgment dated 13.09.2018.

Learned counsel for the petitioner contends that the petitioner was not apprehended at the spot. The prosecution has failed to prove the identity of the petitioner causing the alleged accident, inasmuch as, no identification parade was got conducted by the investigating officer. PW-7 Rishi, registered owner of the alleged offending car, testified that he never employed the petitioner as his driver. Therefore, from any angle, identity of the petitioner could not be established for causing the alleged accident. He has falsely been implicated in the instant case. The petitioner is the sole bread earner of the family and is a first offender. Leniency may be taken in the matter of his sentence.

Having given anxious consideration to the submission made by learned counsel for the petitioner, this Court finds the instant petition completely devoid of any merit for the reasons to follow:-

1. The points raised by the learned counsel for the petitioner has already been dealt with by the courts below in detail.

Therefore, their re-dealing would amount to repetition. However, for the sake of brevity, it is mentioned here that complainant as PW1 and injured-Neetu PW2 specifically identified the petitioner on the spot and further in Court submitting that he was the person, who had caused the accident in question inflicting injuries to Neetu and Ganga Devi. Therefore, identification parade of the petitioner was not necessary or required.

2. PW7-Rishi, owner of the vehicle, turned hostile to save the petitioner from punishment, but did not succeed, inasmuch as, he failed to disclose the name of the person, who was driving his car at the time of accident, in case, the petitioner was not driving it.

3. PW5 Sanjay Kumar, who mechanically examined the offending car being driven by petitioner at the time of accident found the same in damage condition.

4. PW7 Rishi has also failed to explain the reason for damage to his car, in case, it was not involved in the accident in question. When he was cross-examined by the Public Prosecutor, he admitted certain facts supporting the prosecution story. Therefore, his deposition in consonance with the prosecution story has rightly been taken into consideration by the trial court.

Since, due to rash and negligent driving of the petitioner, a human being has lost his previous life and PW2-Neetu suffered grievous injury, therefore, this Court is not inclined to reverse the well reasoned findings of both the courts below completely based on appreciation of

evidence.

Dismissed.

November 02, 2018

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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No