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

**CRR-423-2018(O&M)
Date of Decision: 06.08.2018**

Surjit Kumar**....Petitioner**

Versus

State of Punjab**....Respondent****CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN**

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

RAMENDRA JAIN, J. (ORAL)

In this revision, petitioner-Surjit Kumar has laid challenge to the judgment dated 17.11.2017 of the First Appellate Court as well as judgment of conviction dated 31.01.2017 holding him guilty for committing offence punishable under Sections 279 & 304-A of the Indian Penal Code and order of sentence dated 31.01.2017 of the trial Court, whereby he was directed to undergo simple imprisonment for a period of three months under Section 279 IPC and pay fine of Rs. 500/-. In default thereof, further undergo imprisonment for a period of seven days and to undergo rigorous imprisonment for a period of two years under Section 304-A IPC and pay fine of Rs. 2,000/-. In default thereof, further undergo rigorous imprisonment for a period of 15 days.

Briefly, the petitioner was booked, tried, convicted and sentenced by the trial Court as referred to above. Being aggrieved, the petitioner preferred an appeal before the appellate Court, but remained unsuccessful resulting in dismissal thereof.

Learned counsel for the petitioner contends that the trial Court as well as the appellate Court has failed to appreciate that no identification parade was

ever got conducted by the police for identity of the petitioner, who was not apprehended at the spot. There is no iota of evidence on record to establish that the petitioner was driving the alleged offending truck at the time of accident. In the mechanical report, no scratch or any dent was found on the body of the alleged offending truck. Therefore, the story put forth by the prosecution of causing accident by the offending truck is completely false. None of the prosecution witnesses testified about the rash and negligent driving of the petitioner.

Considering the overall facts and circumstances and having considered the submissions of learned counsel for the petitioner, this Court finds no merit in the revision for the reasons to follow:-

1. No question of law much less substantial has been raised in this revision.
2. There are concurrent findings of the Courts below based on appreciation of evidence.
3. The petitioner in his statement under Section 313 Cr.P.C. has categorically admitted to the factum of causing impugned accident by him. Therefore, no room is left by the petitioner for his acquittal.
4. The identity of the petitioner is very much established by the prosecution.
5. That apart despite lengthy cross examination, nothing favourable could be elicited from the mouth of the prosecution witnesses by learned counsel for the petitioner.

In view of the above, the instant petition is dismissed.

6th August, 2018

shabha

Whether speaking/reasoned

Whether Reportable

:

:

(RAMENDRA JAIN)
JUDGE

Yes/No

Yes/No