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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.REV.P. 75/2018 and Crl. M.B. no. 166/2018

BHAGAT SINGH Petitioner
Through Mr. Viraj Dattar and Mr. Bijan
Kumar Singh, Advs.

versus

THE STATE Respondent
Through Ms. Manjeet Arya, APP with SI
Naveen Kumar, P.S. Seelampur

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

ORDER
% **15.05.2018**

Petitioner was convicted under Sections 279/304-A IPC by the trial court and sentenced to undergo rigorous imprisonment for two years with fine of ₹10,000/- under Section 304-A IPC and rigorous imprisonment for six months with fine of ₹1,000/- under Section 279 IPC. Petitioner was also directed to pay ₹60,000/- towards compensation to the legal heirs of the deceased. Petitioner preferred an appeal, which was dismissed by the Additional Sessions Judge, North-East District, Delhi, vide judgment dated 18th November, 2017.

That is how, petitioner is before this Court by way of present Revision

Petition under Sections 397/401 Cr.P.C.

As per the prosecution, petitioner was driving a truck bearing registration No. AS-01G-3993 in rash and negligent manner on 18th October, 2003 at about 10:20 am at ISBT Road, near police picket Shastri Park, Delhi and hit a motorcycle bearing registration no. DL-7SD-5297, resulting in fatal injuries to Harish Chand and Udham Singh, who were on the motorcycle to which they succumbed and died in the hospital. SI Prem Pal Singh was on duty at the police picket, who was the eye-witness to the incident. He was examined as PW5 before the trial court. Other witnesses were formal in nature being police officials, who participated in the investigation at one stage or the other. Post-mortem report was admitted by the petitioner. Trial court as well as Appellate Court have scrutinized the evidence on record and have returned findings of facts. Testimony of the eye-witness has been found to be trustworthy and reliable.

There are concurrent findings of facts returned by the Appellate Court and trial court. It is trite law that a Revision Petition cannot partake the status of an appeal. Evidence adduced before the trial court is not to be sifted and weighed by the High Court while exercising the revisional jurisdiction so as to superimpose its own finding as against the findings returned by the trial

court and the Appellate Court. High Court has only to see as to whether there is any violation of legal principles or whether the findings returned by the trial court on the evidence adduced are palpably perverse. This principle has been enunciated by this court and the Supreme Court in a catena of judgments.

During the course of hearing, learned counsel for the petitioner has failed to point out any perversity in the impugned order. It is not the case that findings of facts returned by the courts below are without any evidence; no violation of legal principles has been pointed out, inasmuch as challenge to the conviction of petitioner has been given up on merits. Learned counsel for the petitioner has prayed for leniency in the sentences as petitioner has faced agony of trial for 14 years. He has no past criminal record. Wife of the petitioner is illiterate and is a house wife. Petitioner has four minor children. In absence of the petitioner, whole family is facing financial crunch, inasmuch as studies of children are being affected. LRs of the deceased persons have already received the compensation from the MACT. Learned counsel says that petitioner is in custody for more than seven months. It is submitted that petitioner may be released on the sentence already undergone by him.

Learned APP submits that two lives have been lost on account of negligence of the petitioner and petitioner may be awarded maximum sentence of two years.

I have considered the rival contentions of both the parties. Keeping in mind the fact that petitioner has no past criminal record, he has faced the agony of trial, he has four minor children, who are suffering in his absence, he belongs to a poor family, sentence of the petitioner under Section 304-A IPC is reduced to one year from two years; rest of the sentences shall remain as it is. All the sentences shall run concurrently. Benefit of Section 428 Cr.P.C. be also given to petitioner. Petitioner may be awarded maximum sentence of two years.

Petition is disposed of in the above terms. Miscellaneous application is disposed of as infructuous.

Dasti.

A.K. PATHAK, J.

MAY 15, 2018
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