

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR No. 406 of 2019 (O&M)
DATE OF DECISION:-20.02.2019

PREM SINGH

...PETITIONER...

V.

STATE OF PUNJAB

...RESPONDENT...

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Teevar Sharma, Advocate,
for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through this revision, the accused has laid challenge to the judgment of conviction and order of sentence dated 22.09.2017 of the trial court, holding him guilty under Sections 279 and 304-A IPC and sentencing to undergo rigorous imprisonment for two years with fine of ₹3000/- under Section 304-A IPC. In default thereof, to further undergo simple imprisonment for 30 days; to undergo imprisonment for 6 months under Section 279 IPC, which was affirmed by the appellate court vide judgment dated 03.04.2018, dismissing his appeal.

Briefly, on 27.07.2012, petitioner hit the scooter of complainant namely Hari Kishan, when he was on his way with his two sons from village Nangal to his house, while driving his Tanker in a rash and negligent manner and also coming from wrong side without blowing any horn. As a result thereof, both the sons of the complainant namely Madho

Ram and Rajiv Kumar, succumbed to their injuries suffered in the accident in question. The petitioner was nabbed by the passerby. On these allegations, the petitioner was booked in FIR No.74 dated 28.07.2012, under Sections 279, 304-A and 427 IPC, tried, held guilty and convicted in the manner as narrated above.

Being aggrieved, petitioner approached the first appellate court, but remained unsuccessful, as his appeal too, was dismissed vide judgment dated 03.04.2018.

Learned counsel contends that the identity of the offending tanker was disputed. The registration number which was disclosed by the complainant, while lodging the FIR was altogether different from the vehicle which was recovered and taken into possession from the spot. No independent witness was examined by the prosecution to corroborate the testimony of the complainant. Therefore, both the courts below have erred in relying upon the sole uncorroborated testimony of complainant. Owner of the alleged offending tanker was also not examined. Thus, link evidence was also missing. There were major discrepancies in the prosecution witnesses, because as per statement of complainant, petitioner was arrested on 27.07.2012, whereas official witnesses testified that petitioner was arrested on the next date i.e. 28.07.2012. Though, according to site plan, alleged accidental spot was surrounded by thickly populated area, but no independent witness was examined by the prosecution for the reasons best known to it.

Having given thoughtful consideration to the submissions of learned counsel for the petitioner, this Court finds the instant revision completely devoid of any merit for the reasons to follow:-

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

2. This Court, being revisional court has a very limited jurisdiction, which can only be exercised on 3 following infirmities:- (i) if the courts below have exceeded their jurisdiction; (ii) have exercised their jurisdiction illegally and; (iii) have not exercised their jurisdiction diligently.

3. Learned counsel for the petitioner has not able to point out any of such infirmities in the judgments of both the courts below.

4. Discrepancies pointed out by learned counsel for the petitioner relate to insignificant aspects of the case, inasmuch as, the petitioner was apprehended at the spot. Therefore, his identity was never in dispute. Non-examination of owner of the offending vehicle was not fatal, inasmuch as, petitioner did not lead any evidence in his defence to prove his alleged false implication.

5. Both the courts below have recorded concurrent findings against the petitioner holding him guilty under Sections 279 and 304-A IPC and sentencing as narrated above.

6. Both the courts below have already dealt with all the arguments raised by learned counsel for the petitioner before this Court in

detail. Therefore, their further dealing would amount to repetition and wasting precious time of the Court.

7. Two young persons have lost their precious lives in the presence of their father in the impugned accident caused by the petitioner. Therefore, offenders like the petitioner, does not deserve any concession in the matter of sentence.

I have gone through judgments of both the courts below. They are well reasoned, being based on appreciation of facts and evidence and thus, do not require any interference.

Dismissed.

Since, the main revision is dismissed on merits, therefore, the application for condonation of delay is also dismissed as having been rendered infructuous.

Copy of this order be sent to concerned Chief Judicial Magistrate for issuance of arrest warrants of the petitioner to undergo the remaining sentence.

20.02.2019

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(RAMENDRA JAIN)
JUDGE

whether speaking/reasoned:

Yes/No

whether reportable:

Yes/No