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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-763-2019 (O&M)
Date of Decision : March 28th , 2019

Subhash Chand Petitioner

Versus

State of Haryana ... Respondent

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN.

Present : Mr. R.K.Singhal, Advocate
for the petitioner.

SHEKHER DHAWAN, J.

Present revision petition is directed against the judgment of conviction dated 24.07.2015 and order of sentence dated 27.07.2015 passed by learned Sub Divisional Judicial Magistrate, Bilaspur vide which the petitioner was convicted and sentenced as under:-

Under Section	Sentence	In default
U/s 279 IPC	to undergo Rigorous Imprisonment for a period of 5 months and to pay a fine of Rs. 700/-..	To undergo further Rigorous Imprisonment for 3 months.
304-A IPC	to undergo Rigorous Imprisonment for a period of One Year and to pay a fine of Rs. 2,000/-.	

All the sentences were ordered to run concurrently.

2. The petitioner filed an appeal before learned Sessions Judge, Yamuna Nagar and the same was dismissed vide judgment dated 07.03.2019.

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3. Learned counsel for the petitioner contended that the Courts below have not appreciated the fact that there were many contradictions in the statements of prosecution witnesses. The petitioner was not named in the FIR as the same was registered against an unknown person.

4. Having considered the submissions made by learned counsel for the petitioner and appraisal of record, this Court is of the considered view that both the Courts below have already appreciated the evidence in its perspective manner. As per PW-1, Raj Kumar and PW-12 Mange Ram, the accident had taken place in their presence which resulted into the death of Raghubir. PW-6, Dr. Lal Chand had conducted medico legal examination of Raghubir at PHC, Bilaspur. PW-7, Dr. Goldendeep Singh had conducted post-mortem examination of Raghubir and proved post-mortem report Ex. PW-7A.

5. As regard to plea taken by learned counsel for the petitioner that there are contradictions in the statements of material witnesses, taking the entire testimony of material witnesses, i.e., PW-1 Raj Kumar and PW-12, Mange Ram and appreciating the same alongwith medical evidence, there is no contradiction on the material point in the testimony of these witnesses. Law on the point is settled that minor contradiction cannot be a ground for acquittal with the witnesses are specific about the main offence having been committed by the accused person and there being no dispute of identity. As regard to registration of FIR against unknown person, the name of the petitioner had come in the investigation and thereafter final report was submitted against him.

6. In view of the above, there is no merit in the present revision

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petition because both the Courts below have already appreciated the entire evidence and held the petitioner guilty and convicted him. Learned Courts below have already taken a very sympathetic view as regard to order of sentence. So, there are no grounds to interfere in the judgments passed by both the Courts below.

7. Resultantly, there is no merit in the present revision petition and the same stands dismissed *in limine*.

(SHEKHER DHAWAN)
JUDGE

March 28, 2019
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Whether speaking/reasoned?	:	Yes
Whether reportable?	:	Yes