

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

CRR No. 1691 of 2013 (O&M)
Date of decision : January 10, 2019

Sandeep @ Kalakar

..... Petitioner

v.

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. SS Duhan, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG Haryana

Ajay Tewari, J (Oral)

This revision petition has been filed against the concurrent conviction of the petitioner under Section 279/304-A of the IPC for having caused the death of Sachin while driving the tractor trolley rashly and negligently.

Counsel for the petitioner has argued that the petitioner was not named in the FIR and the eye witnesses are related to the deceased and, therefore, their testimony is not trustworthy. On the other hand, counsel for the respondent points out that this is not a case where the eye witnesses had any enmity and, therefore, they would be interested in falsely identifying the petitioner and consequently their testimony cannot be brushed aside.

I have been taken through the evidence by both the learned counsel and find that the testimony of the eye witnesses whereby the

petitioner has been identified is clear and cogent and the Courts below cannot be said to have committed any illegality in relying upon the same. In the circumstances, this revision petition is dismissed.

Counsel for the petitioner, however, prays that a lenient view may be taken in respect of the sentence awarded to the petitioner, since he has been suffering the agony of these proceedings for the last more than eleven years and has already undergone more than five months out of total sentence of one year. Keeping in view the facts and circumstances of the case, I reduce the sentence of the petitioner to six months. The petitioner be taken into custody immediately to serve the remaining period of sentence.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

January 10, 2019
'kk'

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No