

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

**CRR No.3744 of 2018 (O&M)
DECIDED ON: 05.02.2019**

JARNAIL SINGH

..PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. P.S. Sekhon, Advocate,
for the petitioner.

Mr. Gurbir Singh Sidhu, Advocate,
for respondent No.2.

RAMENDRA JAIN, J. (ORAL)

Mr. Gurbir Singh Sidhu, Advocate has appeared and filed power of attorney on behalf of respondent No.2, though notice has not been issued. The same is taken on record. Be tagged at appropriate place.

The accused-petitioner has preferred the instant revision against judgment of appellate court dated 28.08.2018, dismissing his appeal, confirming judgment of conviction and order of sentence dated 11.02.2016 of the trial court, holding him guilty under Sections 279 and 304-A IPC and sentencing him to undergo rigorous imprisonment for a period of 6 months under Section 279 IPC and two years under

Section 304-A IPC with fine of Rs.500/- under each offence. In default, to further undergo simple imprisonment for 7 days each.

Briefly, the petitioner was booked, tried and held guilty by the trial court as aforesaid in the opening part of the judgment, in FIR No.137 dated 01.11.2011, under Sections 304-A, 279, 427 IPC, registered at Police Station Tapa, District Barnala, on the allegation that on 01.11.2011, petitioner while driving offending bus in a rash and negligent manner caused accidental death of Gurtej Singh.

Being aggrieved, petitioner approached the first appellate court, but remained unsuccessful, as his appeal too was dismissed vide judgment dated 28.08.2018.

Learned counsel for the petitioner contends that the petitioner was not apprehended on the spot. No identification parade was also conducted. Therefore, prosecution could not establish the identity of the petitioner beyond reasonable doubt. Even, prosecution did not lead any evidence to prove that on the alleged date and time, the petitioner was driving the alleged offending bus by producing its route permit etc. No independent witness was joined during investigation. The alleged eye witness complainant PW-2 is an interested witness being nephew of the deceased. Therefore, the trial court has illegally and wrongly relied upon his statement.

On the other hand, learned counsel for respondent No.2 refuting the above submissions, pleaded the legality and validity of the impugned judgments of both the courts below.

Having given anxious consideration to the rival submissions, this Court finds instant petition completely devoid of any merit for the reasons to follow:-

1. No question of law much less substantial has been raised in the instant petition.

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 been able to point out any of the above infirmities in the judgments of both the courts below recording concurrent findings against the petitioner.

4. Identity of the petitioner was established during trial beyond doubt in view of the statements of PW-2 Sukhwinder Singh and PW-3 Hardeep Singh. Testimony of PW-2 Sukhwinder Singh cannot be discarded mainly, because he is nephew of the deceased, more particularly, when same was corroborated by an independent witness namely PW-3 Hardeep Singh, who was following him at the time of accident and immediately reached the spot.

5. In statement under Section 313 Cr.P.C., when the entire incriminating evidence led by the prosecution against the petitioner was put to him, he admitted the accident in question.

6. The presence of the petitioner on the spot while

driving the offending bus has been well proved by the prosecution by producing route permit of the offending bus Ex.PW-7/A, proved by PW-7 Rajwinder Singh.

In view of the discussion made above, this Court does not find any illegality and infirmity in the judgments of both the courts below.

Dismissed.

05.02.2019
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No