

242

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-112-2019 (O&M)

Date of decision-08.01.2020

Gurdit Singh

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Tarun Jhatta, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner (convict) has preferred this revision petition to challenge the impugned judgment dated 14.05.2018 passed by the Appellate Court in IPC Appeal No.47 of 26.08.2016/12.05.2017 whereby his conviction and sentence recorded by the trial Court vide judgment dated 17.08.2016 in case FIR No.328 dated 03.12.2013 under Sections 279 and 304-A of Indian Penal Code, 1860 registered at Police Station Tanda, District Hoshiarpur, was upheld.

The case of the prosecution is that the petitioner by driving trala bearing No.PB-08-BC-9945 rashly and negligently caused accident resulting into death of Kunan Singh. FIR was registered on the statement of Daljit Singh, who witnessed the occurrence. Petitioner was arrested and on completion of investigation, he was put to trial.

Charge under Sections 279 and 304-A IPC was framed to which

petitioner pleaded not guilty and claimed trial. At the trial, 03 prosecution witnesses were examined i.e. HC Gurbachan Singh as PW-1, complainant-Daljit Singh as PW-2 and Dr.Didar Singh as PW-3. On conclusion of trial, the petitioner was held guilty for the offences punishable under Section 279 IPC, sentenced to undergo rigorous imprisonment for 6 months alongwith fine of Rs.500/- and under Sections 304-A IPC, sentenced to undergo rigorous imprisonment for 02 years alongwith fine of Rs.1500/-, with default stipulations.

Appeal preferred by the petitioner was dismissed vide order dated 14.05.2018. Aggrieved against the said order, petitioner preferred this revision petition.

Learned counsel for the petitioner has argued that the case of the prosecution suffered from material discrepancies and therefore, the Courts below have committed a serious error in law by convicting him. He has drawn the attention of the Court to the testimony of PW-1-HC Gurbachan Singh which is reproduced in grounds of revision to contend that the broken cycle was not produced before the Court. It is further contended that the Investigating Officer of the case was not examined and therefore, the impugned judgment deserves to be set aside.

On the other hand, learned State counsel has argued that the prosecution has successfully established the charges against the petitioner. She has contended that the complainant has fully supported the prosecution case and therefore, the petition deserves to be dismissed. She has produced the custody certificate by way of affidavit of Karanjit Singh Sandhu,

Superintendent, Central Jail, Ferozepur which reveals that the petitioner has served actual sentence of one year, 05 months and 29 days as on today.

During the course of hearing, it is not disputed by learned counsel for the petitioner that the case of the prosecution is based on the testimony of eye witness-PW-2, namely, Daljit Singh (complainant) who is nephew of the deceased. The discrepancies which have been highlighted by learned counsel for the petitioner are minor and not enough to cause dent in the prosecution case particularly when it is supported by the complainant. It may be added that the victim died on the spot and the petitioner who was driving the offending vehicle was also apprehended on the spot.

A perusal of the judgment passed by the Appellate Court makes it clear that the Appellate Court has examined the evidence and material on record threadbare. The view adopted by the trial Court has been re-affirmed by the Appellate Court and therefore, this Court is not inclined to exercise the revisional jurisdiction to interfere with the judgment dated 14.05.2018 as it does not suffer from any illegality or impropriety.

Consequently, petition is dismissed.

(MANOJ BAJAJ)
JUDGE

08.01.2020

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No