

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

**CRR-2371-2008 (O&M)
Date of Decision : 07.02.2020**

Roop Lal Petitioner

Versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE RAMENDRA JAIN

Present : Mr. S.S.Mann, Advocate for
Mr. Sant Pal Singh Sidhu, Advocate for the petitioner.

Mr. N.K.Banka, DAG, Punjab.

RAMENDRA JAIN, J. (Oral)

Custody certificate of petitioner has been filed. Same is taken on record. Be tagged at appropriate place.

Through this revision, petitioner has assailed judgment dated 22.10.2008 of lower appellate court, dismissing his appeal against the judgment of conviction and order of sentence dated 13.03.2007 of trial court, vide which he was convicted and sentenced to undergo rigorous imprisonment for 03 months under Section 279 IPC, 06 months under Section 337 and 1½ years under Section 304-A IPC.

Briefly, petitioner was booked and tried in the manner, as narrated above, on the allegations that in the day time of 15.05.1999, he, on the wheels of truck bearing registration No.PB05F-9495 in a rash and negligent manner, struck against a passenger bus bearing registration No.PB-11E-9607. As a result thereof, several passengers including Piara Lal, Raj Kumar, Amrit Lal, Darshna Devi, Ram Singh, Harcharan Singh, Kamaljit Kaur received multiple grievous injuries, out of whom Kamaljit Kaur succumbed to her

injuries on 03.06.1999 in DMC Hospital.

Learned counsel for petitioner contends that petitioner was not arrested at the spot. No identification parade was conducted. Therefore, complicity of petitioner in the alleged offence was doubtful. There was a third truck which initially hit the bus. Thereafter, petitioner struck against the said offending truck. There is no direct involvement of petitioner in the accident in-question. According to prosecution, petitioner struck against the bus, while overtaking it. However, as per mechanical report, entire front portion of bus was found damaged which falsifies the prosecution story, inasmuch as, in case the petitioner would have struck against the bus, while overtaking, in that eventuality, the left portion of bus and right side of truck ought to have been found damaged.

On the other hand, learned State counsel, refuting the above submissions, pleaded the legality and validity of impugned judgment.

Having given thoughtful consideration to the rival submissions, this court finds instant petition merits dismissal for the reasons to follow.

During the course of hearing, learned counsel for the petitioner could not point out any illegality or perversity in the impugned order which may warrant interference by this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India. The impugned order is a self speaking and well reasoned. Thus, the same deserves to be upheld for this reason to

follow:

PW2 Chamkaur Singh, complainant, who was conductor of the bus, categorically identified the petitioner in court, and his truck Ex.P2, driven by him at the relevant time. Therefore, the prosecution proved the complicity of petitioner beyond any shadow of doubt.

Learned counsel for petitioner has not been able to show that PW2 Chamkaur Singh, complainant, and PW8 Amritpal Singh, passenger in the bus, had any axe to grind against the petitioner. There was no reason for them to depose against the petitioner falsely. Since the identity of petitioner has been established by material prosecution witnesses during trial beyond any shadow of doubt, therefore, it does not lie in the mouth of petitioner that identification parade to establish his identity of the petitioner was necessarily required.

I, going through the judgments of both the courts below, find that the same do not suffer from any illegality, irregularity or perversity. Thus, no interference is called for.

Dismissed.

The Chief Judicial Magistrate, Ludhiana is directed to issue warrants of arrest of petitioner for undergoing his remaining sentence.

Copy of this order be sent to that court for compliance.

07.02.2020
mamta

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No