

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(210)

CRR-297-2019 (O&M)

Date of decision: - 12.10.2021

Kala Ram

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Ms. Aarti, Legal Aid Counsel
for the petitioner.

Ms. Bhavna Gupta, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present criminal revision petition, the challenge is to judgment dated 09.05.2017 passed by the Judicial Magistrate 1st Class, Sunam, by which, the petitioner was convicted under Sections 279 and 304-A of IPC and was sentenced to undergo rigorous imprisonment for a maximum period of two years and also to judgment/order dated 05.12.2018, passed by the Additional Sessions Judge, Sangrur, by which, the appeal of the petitioner against the order of conviction, was dismissed.

Learned counsel for the petitioner argues that in the present revision petition the petitioner has been convicted under Sections 279 and 304-A of IPC, though he was not named in the FIR and only the

description of the driver was given. Learned counsel for the petitioner further argues that as the identification parade was not carried out, the prosecution of the petitioner and conviction raises a doubt whether he was the driver of the offending vehicle at the time of the incident. Learned counsel for the petitioner submits that even otherwise the sentence, which has been awarded to the petitioner, is not commensurate to the allegations for which he has been convicted.

On the other hand, learned State counsel submits that the trial Court after appreciating all the facts convicted the petitioner for causing death of a child, namely, Anshdeep Singh, who was only 6-7 years old and was yet to enjoy his life, which was cut short by an irresponsible act of the petitioner and the petitioner also injured the mother of the child, namely, Harvinder Kaur. Learned State counsel further submits that the petitioner was caught at the site by the bystanders and was later identified by the complainant in the Court. Learned State counsel further submits that as a young child has lost his life and a lady got injured by the irresponsible act on the part of the petitioner, the sentence imposed by the learned trial Court, which has been upheld by the learned lower Appellate Court, is commensurate to the allegations proved against the petitioner.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The only argument which has been raised by learned counsel for the petitioner is that the petitioner was not named in the FIR, though the description of the driver was given. Learned counsel for the petitioner has not been able to rebut the fact that the petitioner was caught at the site

of the accident and was later identified by the complainant during the trial. That being so, no grievance can be raised by the petitioner that the identification parade should have been carried out so as to establish the identity of the driver of the offending vehicle. Facts and evidence on record proves the identify of the petitioner as the driver of the offending vehicle.

Further, learned counsel for the petitioner has not been able to point out, as to why, the complainant will falsely implicate the petitioner and why, the false allegations will be alleged against the petitioner of causing accident while driving vehicle bearing number PB-13-M-6151. The accident of the said vehicle is not being denied by the learned counsel for the petitioner and once the complainant has identified the petitioner as the driver, who was caught at the site by the bystanders, the arguments of learned counsel for the petitioner that the petitioner was not named in the FIR and no identification parade was conducted to identify the accused driver, cannot be accepted and that too in the present revision petition.

As far as prayer of the petitioner qua the sentence imposed is concerned, the same needs no interference by this Court in this revision petition especially in view of the fact that a young child of 6-7 years old, who was yet to enjoy the life, which was cut short by an irresponsible and negligent act on the part of the petitioner. Not only this, a young lady was also hurt. That being so, nothing has been pointed out by the learned counsel for the petitioner as to how the sentence imposed upon the petitioner is not commensurate to the charges alleged and proven against

him, hence, no interference is called for in the impugned orders.

Dismissed.

As the petitioner is on bail keeping in view the order dated 06.11.2019 passed by this Court, he is directed to surrender before the authorities concerned within a period of one month from today. In case, the petitioner does not surrender within the said period, the appropriate action needed for securing his custody be initiated by the Jail Superintendent of District Jail, Sangrur, so as to take him in custody for undergoing the remaining sentence.

Application bearing CRM-4129-2019 stand disposed of keeping in view the order passed in the main criminal revision petition.

(HARSIMRAN SINGH SETHI)
JUDGE

October 12, 2021
naresh.k

Whether reasoned/speaking?	Yes
Whether reportable?	No