

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

246

CRR-632-2011 (O&M)
Date of decision : 16.08.2023

Satbir

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Rahul Vats, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

PANKAJ JAIN, J.

Petitioner herein stands convicted for offences punishable under Sections 279, 337 and 304-A IPC and has been awarded the following sentence:-

Offence	Imprisonment
279 IPC	S.I. for two months and fine of Rs.500/- In default further SI for 15 days.
337 IPC	S.I. for one month and fine of Rs.500/- In default further SI for 15 days.
304-A IPC	S.I. for six months and fine of Rs.1000/- In default further SI for one month.
All the sentences were ordered to run concurrently.	

2. The aforesaid order of conviction and sentence stands affirmed by the Appellate Court.

3. FIR came into being on the statement of Subhash recorded by the police on 08.04.1999 to the effect that on previous night, he in the company of Om Parkash, Des Raj and Dilbag Singh were travelling in a jeep owned by him which was being driven by Satbir-petitioner. The same struck a tractor

trailer going ahead leading to death of Dilbag Singh and Om Parkash.

4. On trial, the petitioner was held guilty and awarded sentence as mentioned above. In an appeal, the said conviction stands upheld.

5. Counsel for the petitioner does not dispute that both Subhash PW-1 and Balbir PW-10 unanimously stated that it was the petitioner who was driving the jeep. Subhash in his testimony is explicit to state that he was owner of the jeep and had employed the petitioner as a driver on the jeep. It was the petitioner who was driving the jeep at the time of accident and Subhash has not even been cross-examined qua the aforesaid fact.

6. The scope of the revisional jurisdiction is limited and the same cannot be invoked for re-appraisal of the evidence. This Court is guided by law laid down by Apex Court in '***Duli Chand vs. Delhi Administration (AIR 1975 Supreme Court 1960)***', wherein the scope of invoking jurisdiction of the High Court in criminal revision was examined and it was held in a case involving vehicular accident as follows:

“The question whether the accused was guilty of negligence in driving the bus and death of the deceased was caused due to negligent driving is a question of fact which depends for its determination on appreciation of the evidence. While the Magistrate, and the Additional Sessions Judge arrived on assessment of the evidence at a concurrent finding of fact that the death of the deceased was caused by negligent driving of bus by the accused and the High Court even though justified in refusing to re-appreciate the evidence reviewed the same in order to justify itself that there was evidence in support of the finding and that the finding was not perverse, came to the conclusion that the evidence established the death of the deceased was caused by the negligent driving of the bus by the accused, the Supreme Court on an appeal under

Article 136 refused to interfere.”

7. The same principle was reiterated in State of ***Orissa vs. Nakula Sahu and Ors. (AIR 1979 Supreme Court 663)***, wherein it was held that:-

“The High Court should not have interfered with the concurrent findings recorded by the Trial Court and the Sessions Judge in exercise of revisional jurisdiction when there was no error of fact or law arrived at by the Trial Court or the Sessions Judge. In ***State of Kerala v. Puttamana Illath Jathavedan Namboodiri (1999 (2) SCC 452)*** it was held that the revisional jurisdiction is one of supervisory jurisdiction exercised by the High Court for correcting miscarriage of justice. But the said revisional power cannot be equated with the power of an appellate Court nor can it be treated even as a second appellate jurisdiction. Ordinarily, therefore, it would not be appropriate for the High Court to re-appreciate the evidence and come to its own conclusion on the same unless any glaring feature is brought to the notice of the High Court which would otherwise tantamount to gross miscarriage of justice.”

6. In view of above, this Court does not find any reason to dislodge findings recorded by the Courts below.

7. Counsel for the petitioner has tried to persuade this Court for enhancement of compensation and to reduce the sentence.

8. In the considered opinion of this Court, keeping in view that the present accident caused two deaths i.e. Dilbag Singh and Om Parkash, there is no scope to reduce the sentence from that already awarded.

9. In view of above, finding no legal infirmity in the judgments passed by both the Courts below. There is no scope for inference in exercise of revisional jurisdiction.

- 10. Resultantly, the present revision petition is dismissed.
- 11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(PANKAJ JAIN)
JUDGE

16.08.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No