

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-413-2024 (O&M)
Date of Decision: 28.02.2024

Rattan Singh ... Petitioner

VS.

State of Punjab ... Respondent

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CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Ritesh Pandey, Advocate for the petitioner

Sandeep Moudgil, J.

(1). This petition under Section 401 CrPC has been filed by the petitioner seeking to quash the judgment dated 30.01.2019 passed by JMIC, Gurdaspur vide which the petitioner was convicted under Sections 304-A, 279 IPC and Section 181 of Motor Vehicles Act, 1988 and sentenced to undergo RI for two years under Section 304-A IPC besides concurrent sentences of 6 months and 3 months, respectively under the above-said other two provisions. He has also impugned the judgment dated 20.11.2023 vide which the appeal filed by him has also been dismissed.

(2). Learned counsel for the petitioner has vehemently argued that prosecution could not connect the petitioner with the offending tractor trolley as PW-1 Sukhwinder Singh has stated in his examination-in-chief that he previously knew the petitioner-accused, who was driving the tractor at the relevant time, however, in his statement Ex.PA made to the police he did not mention the name of the driver of the tractor and had he seen the accident in question, he would have mentioned the name of the petitioner in the statement made to the police.

(3). He further submits that PW-2 Sulakhan Singh is the close relative of the deceased and, therefore, he has made a false statement and in the FIR it has been mentioned that trolley was loaded with vegetables but in other documents it is mentioned that trolley was loaded with gravel (Bajri) and thus, even identity of the tractor trolley has not been established.

(4). It is argued that petitioner is handicap and cannot drive the tractor trolley and as such he has been falsely implicated in this case and in the factual backdrop, both the courts below have failed to appreciate the evidence in proper manner and have even failed to take into consideration the fact that PW5 Dr.Brinder Singh could not give correct particulars of the deceased and also failed to appreciate the fact that there are material discrepancies in the statements of prosecution witnesses and thus impugned judgment of conviction cannot sustain.

(5). Heard learned counsel for the petitioner and gone through the record.

(6). It is has come on record that PW-1 Sukhwinder Singh and PW-2 Sulakhan Singh have identified the accused before the courts below and as such, there is no reason to doubt the correctness of their statements. The Courts below have rightly observed that they would not have made false statements to falsely implicate the petitioner in this case as they did not have any enmity with him. Moreover, the fact that Sukhdev Singh died in the accident stands established. In these circumstances, the son of the deceased would not have made false statement to implicate the petitioner in this case and thereby giving clean chit to the real culprit.

(7). That apart, both the courts below have specifically considered the question regarding identity of the petitioner as well as rashness and negligence on his part. No doubt, the name of the petitioner is not mentioned in the statement Ex.PA made by PW-1 Sukhwinder Singh to the police and thus the petitioner was not previously known to him. Moreover, before the Courts below, certificate of registration of the tractor bearing No. PB-18-J-5194 Ex.P.1 has been produced which shows that petitioner is the owner of the said tractor and as per the prosecution evidence, it was found that the tractor owned by the petitioner was involved in the accident in question. It is not the plea of the petitioner before the Courts below that he had given his tractor trolley to someone else and as such, under these circumstances, it is absolutely clear that petitioner was driving the tractor at the relevant time and caused the accident in question. Thus, there is no scope for interference in the impugned judgments passed by both the Courts below.

(8). Dismissed.

28.02.2024
V.Vishal

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

(Sandeep Moudgil)
Judge

Yes/No
Yes/No