



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRR-1349-2008(O&M)
Date of Decision: 26.09.2024

MANI RAM

....Petitioner

VERSUS

STATE OF HARYANA

....Respondent

CORAM : HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Sapan Dhir, Amicus Curiae with
Mr. Y.S. Rathore, Advocate for the petitioner.

Ms. Nidhi Garg, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. The instant revision petition has been filed by the petitioner against the judgment of conviction dated 18.02.2005 and order on quantum of sentence dated 21.02.2005 passed in Criminal Case bearing No.295/1 of 2004 titled as '*State Vs Mani Ram*' arising out of FIR No.390 dated 20.11.1995 registered under Sections 279 & 304-A IPC at Police Station Butana whereby the petitioner has been held guilty under Section 279 of IPC and was sentenced to undergo rigorous imprisonment for a period of three months and was further held guilty under Section 304-A of IPC and was sentenced to undergo rigorous imprisonment for a period two years. Challenge is also made to the judgment dated 17.07.2008 passed by the Court of learned Additional Sessions Judge, Karnal in Criminal Appeal No.10 of 2008 thereby upholding the judgment and order dated 18.02.2005/21.02.2005 as passed by learned trial Court, Karnal.



2. For the sake of coherence and continuity, the parties shall be referred to hereinafter as per their original nomenclature as given during trial.

3. Adumbrated facts as emanating from the record are that on 20.11.1995, a police party headed by ASI Baljinder Singh was present at G.T. Road, T. Point Taraori when the complainant Pala Ram reached there and recorded a statement alleging therein that he was running a dhaba under the name and style of 'Jamidara' at G.T., Road, Taraori. On the same day at about 1.15 P.M., he was standing outside his dhaba to manage the parking of the trucks that were lying parked therein when a Maruti Car bearing Registration No.DL-2CA-3488 was found coming from the side of Taraori at a moderate speed. At the same time, one bus of Delhi Transport Corporation (D.T.C.) bearing Registration No.DL-1P-9357 was seen coming from Karnal side. It was driven rashly, negligently and at a high speed by its driver who directly hit his vehicle with the Maruti car due to which the front portion of the car was totally damaged and the driver of the car immediately died as he was entangled inside the car. The bus, thereafter, collided with truck bearing Registration no.DIG-7475 thereby damaging the front portion of that truck as well. Four females and two males who were occupants of the car had sustained serious injuries and they were rushed to hospital. The driver and the conductor of the offending vehicle left the vehicle at the spot and fled away. While alleging that the accident had taken place due to rash and negligent driving of the offending bus, he prayed for taking action in the



matter. As per further allegations, on the basis of his statement, a case under Sections 279 & 304 - A of IPC was registered. Investigation proceedings were initiated. The vehicles involved in the accident were taken into custody by the investigating officer after visiting the spot. Three persons had succumbed to their injuries sustained by them in the accident. Inquest proceedings and postmortem examination was conducted. The present petitioner who was found to be the driver of the offending vehicle was arrested on 21.11.1995. The vehicles involved in the accident were mechanically examined. After completion of necessary investigation and usual formalities, challan was presented in the Court for trial of the accused,

4. Copies of challan were supplied to the accused free of cost. On finding a prima facie case for commission of offences punishable under Sections 279 and 304 - A of IPC, the accused had been charge-sheeted accordingly. He pleaded not guilty to the charges and claimed trial.

5. To substantiate its case, the prosecution examined as many as 12 witnesses besides placing reliance upon certain documents. Statement of the accused under Section 313 of Cr.P.C was recorded wherein he abjured his guilt. In defence evidence, he examined DW-1 Ram Phal, conductor of the offending vehicle.

6. On appreciating the evidence produced on record and considering the contentions raised by both the sides, the learned Magistrate vide judgment dated 18.02.2005 and order of quantum of sentence dated



21.02.2005 held guilty and convicted the petitioner in the manner as indicated above.

7. Feeling aggrieved, the petitioner had preferred appeal against the aforementioned judgment which too had been dismissed vide judgment dated 17.07.2008 passed by learned Additional Sessions Judge, Karnal. Dissatisfied by the same, the present petition has been filed by the petitioner.

8. It is argued by learned counsel for the petitioner that the impugned judgments passed by the Courts below are not sustainable in the eyes of law and are liable to be set aside as while passing the same, the learned Courts below did not apply their judicious mind and did not appreciate the evidence so produced on record in a proper perspective. Non-speaking and cryptic orders had been passed. There was no cogent, convincing and reliable evidence on record to prove that the accident had taken place due to rash and negligent driving of the offending vehicle and further that it was the petitioner who was driver of the same. PW-10 to PW-12 who were material witnesses, had not identified the petitioner as the driver of the offending vehicle nor they had noted down the registration number of the said vehicle. Their statements proved that they had not even witnessed that the accident took place due to rash and negligent driving of the offending vehicle or that in fact, it was the said vehicle which was involved in the accident. Identity of the petitioner as the driver of this vehicle had not been established. However, this fact had not been considered. With this broad submissions, it is urged that the impugned



judgments are liable to set aside, the revision petition deserves to be accepted and further that the petitioner deserves to be acquitted of the charges for which he had been guilty and convicted.

9. *Per contra*, it is argued by learned State counsel that there was overwhelming, sufficient, cogent and convincing evidence on record to prove that the petitioner was the driver of the offending vehicle on the fateful day and by driving the said vehicle rashly and negligently and at a high speed, he had hit the car in which the victims were travelling and then had hit a truck thereby causing the accidental deaths. Due to his rash and negligent driving, the deaths of Anju, Pritam Singh and Navjot had taken place. The findings given by the Courts below are well reasoned and no ground has been made out to interfere with the same. Hence, it is urged that the petition is devoid of any merits and that the same does not deserve to be allowed.

10. I have heard learned counsel for the petitioner and learned State counsel at considerable length and have gone through the material placed on record carefully.

11. The allegations against the petitioner are that as on 20.11.1995 he had driven the vehicle bearing Registration No.DL-1P-9357 rashly, negligently and at a high speed and by doing so, he had hit the same firstly with a car bearing Registration No.2CA-3488 and then a truck bearing Registration No.DIG-7475 thereby resulting into damaging both the vehicles and causing injuries to the victims namely Anju, Navjot Singh and Pritam



Singh who had succumbed to their injuries. So far as the fact that the victims Anju, Navjot and Pritam Singh had died in an accident which took place on 20.11.1995 and PWs Sonia, Poonam and Tejinder had sustained injuries in that very accident, is concerned, the same is not in dispute. More so, this fact stands proved from the medical evidence produced on record coupled with the sworn deposition of PW-10 to PW-12 who were the injured eye witnesses to the occurrence. The complainant Pala Singh who was an eye witness to the occurrence did not support the prosecution version. However PW-10 to PW-12 who were the injured eye witnesses, supported the case of the prosecution by saying that the accident had taken place due to rash and negligent driving of the offending bus by the complainant on the fateful day. All of them identified the petitioner as the driver of the offending vehicle. No-doubt they did not disclose the registration number of this vehicle in their statements but solely due to this fact, their statements cannot be discarded. Admittedly and evidently, all three of them had sustained injuries in the accident and therefore, it was quite natural and probable that they were not in a position to note down the registration number of the offending vehicle. The recovery of this vehicle was, however, effected from the place of occurrence itself on that very day which has not been disputed. As such, it stands established that it was the offending vehicle that was involved in the accident.

12. Then so far as the fact that the petitioner was the driver of this vehicle is concerned, in his statement recorded under Section 313 of Cr.P.C,



he is shown to have clearly admitted that he was the driver of the offending vehicle on the fateful day. More so, PW-1 Ramphal who was the conductor of the offending vehicle also did not say that the petitioner was not driving the bus in question on the ill fated day. The Test Identification Parade of the Petitioner had not been conducted but in view of the statement of the petitioner as recorded under Section 313 Cr.P.C, testimony of DW-1 Ramphal coupled with the fact that injured eye witnesses i.e. PW-10 to PW-12 identified the petitioner as the driver of the offending vehicle, the fact that no formal Test Identification Parade of the petitioner had been conducted, lost any significance. The Courts of learned Judicial Magistrate as well as the Lower Appellate Court while considering the evidence produced during trial, had arrived at a well reasoned finding of fact that the petitioner was the driver of the offending vehicle and he had driven this vehicle rashly and negligently so as to endanger human life and safety of others and by doing so he had hit the car of the victims thereby causing death of victims Pritam Singh, Navjot Singh and Anju. Learned counsel for the petitioner has failed to point out any such legal infirmity or lacunae in the findings so given which might require any interference by this Court while exercising revisional jurisdiction. As such, this Court of the considered opinion that no ground has been made out to interfere with the findings so recorded by the Courts below. Accordingly, the same are upheld. Consequently, the revision petition is dismissed. The findings as to guilt of the petitioner as recorded by the learned trial Magistrate and as affirmed by



learned Lower Appellate Court are upheld and the appeal is dismissed. The petitioner is ordered to be taken into custody forthwith in order to undergo the period of sentence as awarded by the trial Magistrate.

13. A copy of this order be sent to the concerned Court.

26.09.2024
Deepak Patwal

(MANISHA BATRA)
JUDGE

- 1. Whether speaking/reasoned : Yes/No
- 2. Whether reportable : Yes/No