

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Criminal Revision No. 2658 of 2019 (O&M)
Reserved On: 07.03.2024
Pronounced On: 14.03.2024

Ravi Chandila
..... Petitioner

Versus

State of Haryana
..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Argued By: Mr. Saransh Sabharwal, Advocate
for the petitioner-convict.

Mr. Gurmeet Singh, Assistant Advocate General, Haryana
for the respondent-State of Haryana

HARKESH MANUJA, J.

In a criminal case arising out of FIR No. 16 dated 11.01.2013, under Sections 279 & 304-A of the Indian Penal Code, registered at Police Station Central Faridabad, the petitioner was convicted vide judgment dated 20.02.2019 and sentenced vide order of even date passed by the learned Judicial Magistrate Ist Class, Faridabad, in the following manner:-

Offence / Under Section	Imprisonment
279 IPC	Rigorous imprisonment for six months
304-A IPC	Rigorous imprisonment for two years.

Both the sentences were ordered to run concurrently and the custody period of the petitioner during trial of the case was ordered to be set off from the above sentences.

[2] The appeal filed by the petitioner against the aforesaid judgment of conviction and order of sentence dated 20.02.2019 was dismissed by

learned Sessions Judge, Faridabad, vide judgment dated 25.07.2019.

[3] Brief facts of the case are that on 11.01.2013, an information was received from Guard of B.K. Hospital, Faridabad at Police Post Sector-6 that Navneet Sachdeva and Deepakshi Sachdeva, residents of 3H/81, NIT, Faridabad were brought dead in the hospital. On the basis of this information, ASI Pawan Kumar (PW-10) accompanied by other police officials reached the hospital and collected ruqqa. Surender Kumar (PW-4) approached him and got recorded his statement to the effect that he was working as a supervisor in Vama Engineering, NIT Faridabad. On that day, on account of some work of the company, he had gone towards Old Faridabad on his motor-cycle No. HR-51AS-4036 and at about 3.15 p.m., after crossing old chowk, he was moving towards NIT, Faridabad. A scooty bearing Regn. No. HR-51AK-7729 being driven by his neighbourer Navneet Sachdeva son of Kishan Gopal Sachdeva was moving ahead of him and Deepakshi Sachdeva (sister of Navneet Sachdeva) was pillion rider. When the scooty reached in front of Bikaner Sweets, Sector-16A, a truck loaded with cement bags came being driven at fast speed in a rash and negligent manner, struck the scooty from behind, due to which, Navneet Sachdeva & Deepakshi Sachdeva fell down. The truck crushed the head of Navneet Sachdeva and the thighs of Deepakshi Sachdeva. The truck number was noticed to be HR-55E-1354. The truck driver fled away from the spot. Both Navneet Sachdeva & Deepakshi Sachdeva died at the spot, who were taken to B.K. Hospital, Faridabad and legal action prayed against the drive of truck for the said incident.

[4] On finding a *prima facie* case, the petitioner-accused was charge-sheeted under Sections 279, & 304-A of IPC to which, he pleaded

not guilty and claimed trial. The prosecution examined as many as ten witnesses to prove its case. The statement of accused under Section 313 Cr.P.C. was recorded wherein he denied all incriminating material put to him and pleaded false implication. However, he did not lead any evidence in his defence.

[5] After appreciating the material available on record, the petitioner was convicted and sentenced by the learned trial Court vide judgment dated 20.02.2019 as mentioned above. Aggrieved by the same, the petitioner preferred an appeal before the learned Sessions Judge, Faridabad, which was dismissed vide judgment dated 25.07.2019. Hence, the present revision petition.

[6] Learned counsel for the petitioner contended that there is no cogent evidence which could suggest that the petitioner was driving the truck in a rash and negligent manner. He further contended that the Investigating Officer, SI Jaibir Singh, who conducted the investigation, and other material witnesses were not examined. He also pointed out that since the petitioner has completed the sentence imposed upon him by the trial Court and stood released from the jail; thus, nothing survives for adjudication in the present petition as the same has become infructuous.

[7] On the other hand, learned State Counsel has opposed the prayer made in the present petition; however, he has not disputed the factum of release of the petitioner after completion of his sentence.

[8] After hearing the learned counsel for the parties and gone through the paper-book / relevant record, this Court finds no merit in the present petition.

[9] In the present case, PW-4 (Surender Kumar) has been the eye-witness of the accident, on whose statement, FIR was registered, who gave the graphic version of the accident, inasmuch as he was going on his motor-cycle, whereas scooty of the deceased was going ahead of him, when the offending truck came from behind, over took his motor-cycle and then struck the scooty from behind, due to which both Navneet Sachdeva and Deepakshi Sachdeva fell on the road and the offending truck crushed them, resulting in their death. The testimony of PW-4 (Surender Kumar) further establishes beyond doubt that it was truck No. HR-55E-1354, which had hit the scooty No. HR-51AK-7729 of the deceased. The mere fact that the truck hit the scooty from behind while being driven at a fast speed in itself shows the rash and negligent driving of the truck driver.

[10] The owner of truck, namely Mahavir (PW-2) also deposed that the petitioner-accused, facing trial, was the driver of the truck on the date of accident. Besides this, accused himself surrendered in the Court on 17.01.2013, i.e. six days after the accident, joined the investigation and himself produced the registration certificate, insurance policy of the truck and his driving licence before the police. In his disclosure statement, he also disclosed the fact that he was driver of the truck at the time of the accident.

[11] As far as non-examination of Investigating Officer, SI Jaibir Singh, who conducted the later part of investigation, is concerned, it is not at all fatal for the prosecution, as all important proceedings of investigation including various memos were duly proved during the testimony of PW-10 (ASI Pawan Kumar), who remained with the Investigating Officer during investigation of the case.

[12] Further, as per custody certificate dated 29.11.2023 placed on record by learned State Counsel, the petitioner has already undergone the total sentence of two years, including remission of 05 months and 12 days and stood released from the jail on 15.05.2022 in the FIR (supra).

[13] On 30.11.2023, since no one appeared on behalf of the petitioner, therefore, notice to him was issued for 22.02.2024. Thereafter, on 22.02.2024, learned State Counsel was requested to get the intimation done to the petitioner through SHO of the concerned area as the petitioner was not in touch with his counsel.

[14] Pursuant to the above order dated 22.02.2024, a report dated 01.03.2024 has been received from the concerned SHO of the police station, recording the statement of the father of petitioner, namely, Nandu Chandila (resident of Village Rasulpur, District Palwal) that “*my son has gone out and I will inform when he returns*”.

[15] In view of the discussion made hereinabove, I find that the Courts below have rightly appreciated the entire evidence and found the petitioner guilty. Consequently, the present revision is **dismissed**.

[16] Pending miscellaneous application(s), if any, shall also stand disposed off.

March 14, 2024
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(HARKESH MANUJA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No