

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Revision No.227 of 1999

Date of decision: 30.04.2008

Suresh Lal

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE KANWALJIT SINGH AHLUWALIA

**Present: Mr.Sandeep Goyal, Advocate for,
Mr.Jagdish Manchanda, Advocate,
for the petitioner.**

Mr.Mehardeep Singh, AAG, Punjab.

KANWALJIT SINGH AHLUWALIA,J(Oral)

Petitioner-Suresh Lal @ Suresh Pal son of Ranjit Lal, resident of Sanitary Area, Neelokheri, District Karnal (Haryana) was convicted and sentenced by the Court of Judicial Magistrate Ist Class, Jalandhar, in case FIR No.52 dated 21.11.1995 registered at Police Station Division No.5, Jalandhar, under Sections 279,337 and 338 IPC.

The petitioner was convicted by the Court of Judicial Magistrate Ist Class, Jalandhar, to undergo rigorous imprisonment for three months and to pay a fine of Rs.500/-, in default of payment of fine, to further undergo simple imprisonment for one month under Section 279 IPC. Similarly, he was sentenced to undergo rigorous imprisonment for three months and to pay a fine of Rs.500/-, in default of payment of fine, to further undergo simple imprisonment for one month under Section 338 IPC. He was also convicted under Section 337 IPC to undergo rigorous

imprisonment for two months.

The appeal filed by the petitioner was dismissed by the Court of Sessions Judge, Jalandhar, on 26.09.1998.

The prosecution version stated in the FIR is that on 20.11.1995 at about 10.00 A.M., Shashi Kataria along with her husband, namely, V.P.Kataria were going from their house to Harbans Nagar in their car in order to bring their mother from there. Car was driven by V.P.Kataria. They were returning back with the mother of Shashi Kataria to their residence and when they came over to the main road and reached near their house, a car bearing Registration No.DNB-1481, blue coloured being driven by a Hindu boy suddenly came from the telephone centre at a very high speed without blowing any horn.

It is stated that V.P.Kataria applied brake to avoid the collision but since the distance was so short, the back portion of the car struck against the front portion of V.P.Kataria's car. It is stated that the collision was so severe that Shashi Kataria sitting on the front seat and her mother on the rear seat received severe injuries.

The prosecution examined Shashi Kataria along with V.P.Kataria as PW-1 and PW-2 along with PW-6 Ashok Kumar an eye witness, PW-3 Dr.Jaspal Singh, Radiologist Civil Hospital, Jalandhar, PW-4 Dr.J.S.Toor, Medical Officer, Civil Hospital, Jalandhar, PW-5 Bua Singh, ASI, the Investigating Officer, PW-7 Satnam Singh, Photographer whereas PW-8 Surinder Pal was the Motor Mechanic.

Learned counsel for the petitioner has stated that both the Courts below returned a finding of fact which he may not be able to dislodge because both the Courts below have placed implicit reliance upon the testimonies of Shashi Kataria-PW-1, V.P.Kataria-PW-2 and Ashok Kumar PW-6. He has prayed that since the occurrence pertains to the year 1995 and 13 years are going to lapse, protracted trial should be

considered as mitigating circumstance. He has further stated that the petitioner was sentenced for three months rigorous imprisonment only. He was taken into custody on 26.09.1998 when his appeal was dismissed.

The present revision petition was filed on 18.02.1999. Apparently, the present revision petition has been filed after five months of the passing of the judgment by the Sessions Judge, Jalandhar when the petitioner was taken into custody. This Court in a revisional jurisdiction is not in a position to re-evaluate or re-appreciate the evidence which has been found by both the Court below trustworthy holding the petitioner guilty.

Since the petitioner has already undergone the entire sentence, no interference is called for by this Court and the present revision petition is disposed off accordingly.

April 30, 2008
seema

(KANWALJIT SINGH AHLUWALIA)
JUDGE