

Saravjeet Singh Vs. State

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Court : Delhi

Decided On : Aug-05-1991

Reported in : II(1991)ACC454; 45(1991)DLT63

Judge : R.L. Gupta, J.

Acts : [Indian Penal Code \(IPC\), 1860](#) - Sections 279

Appeal No. : Criminal Revision Appeal No. 94 of 1991

Appellant : Saravjeet Singh

Respondent : State

Advocate for Pet/Ap. : O.P. Dutta and; R.N. Kapur, Advs

Judgement :

R.L. Gupta, J.

(1) Revision is admitted.

(2) The petitioner was convicted under Sections 279/304-A Indian Renal Code by learned Metropolitan Magistrate vide judgment dated 24.7.90 and ordered to be released on probation for a period of two years vide order dated 1.8.90. His appeal was dismissed by the learned Asj, Delhi vide judgment dated 24.11.90. The petitioner has filed this revision against the aforesaid orders.

(3) The case against the petitioner is that on 6.7.89 at about 6.15 Pm he was driving a two-wheeler scooter DBV-338 in a rash and negligent manner without blowing horn and committed an accident with one Smt. Janak Sharma in front of Kothi No. 98, Chander Nagar within the jurisdiction of Ps Janakpuri who later on succumbed to the injuries suffered by her In the accident.

(4) Learned counsel for the petitioner has urged that in this case, the petitioner was shown to the eye witness at the police station and the investigating officer did not meet any eye witness at the spot. He further argued that the investigating officer has not even been examined in this case. On behalf of the State, it is alleged that all these circumstances have been taken into consideration by both the Courts below and they have come to a concurrent finding which should not be disturbed in revision unless there are very compelling reasons. I am of the view that there are no compelling circumstances in this case which could persuade me to disturb the concurrent findings of the Courts below. It may be noted that the petitioner ran away from the spot and it was only after a notice was given to the owner of the two wheeler scooter, PW4, Trilok Singh that the identity of the petitioner was established. Non-examination of the investigating officer does not seem to have any effect because the eye witness Sunil Sharma PW5 son of the deceased was examined. He duly identified the petitioner in Court. It may be noted that the petitioner had accompanied PW4 to the police station along with his maternal uncle when the notice was received by PW4. thereforee, it is not a case wherein, there was any motive for the investigating officer to show the petitioner to PW5 at the police station. He voluntarily appeared at the police station and since PW5 was also present at the police station, he identified him. thereforee, it is not a case where such a confrontation at the police station between PW5 and the petitioner could have any material effect.

(5) It is really un-fortunate that petitioner has been let off with a sentence of probation only in a case where a valuable life has been lost on account of his rash and negligent driving. Since no appeal or revision has been filed on behalf of the State, this Court would be reluctant to interfere with the sentence. The revision is hereby dismissed.