

**(2011) 11 P&H CK 0180**

**High Court Of Punjab And Haryana At Chandigarh**

**Case No:** Criminal Revision No. 2004 of 2011

Gurpreet Singh

APPELLANT

Vs

State of Punjab and another

RESPONDENT

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**Date of Decision:** Nov. 8, 2011

**Acts Referred:**

- Penal Code, 1860 (IPC) - Section 279, 337, 338

**Hon'ble Judges:** Ranjit Singh, J

**Bench:** Single Bench

**Final Decision:** Dismissed

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**Judgement**

Ranjit Singh, J.

Respondent No.2 was tried for offences under Sections 279, 337 and 338 IPC. This was a case where injuries were caused to respondent No.2, when the truck struck into the jeep. The Trial Court acquitted respondent No.2 primarily on the ground that the witnesses gave hear-say evidence about the number of the truck and the identity of the driver. The Court found that the identity of the driver could not be established. No identification parade was held and the driver was identified for the first time in the Court.

2. Once the witnesses had not known or seen the driver, it would have been proper for the investigating agency to establish the identity of the driver of the truck instead of leaving it on the witnesses to identify him in the Court for the first time. This is to be viewed in the background that the witnesses learnt about name of the driver and number of the truck from someone else, which the witnesses admitted as is noticed by the Appellate Court. Thus, the charge against respondent No.2 could not prove beyond reasonable doubt and, thus, no case for interference in the order of acquittal is made out.

3. Dismissed.