

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**Cr. Revision No. 128 of 2015****Reserved on: 22.09.2026****Date of Decision: 01.10.2026.**

Pramod Kumar**...Petitioner****Versus****State of H.P.****...Respondent**

Coram***Hon'ble Mr Justice Rakesh Kainthla, Judge.******Whether approved for reporting?¹ No*****For the Petitioner : Mr Arun Kaushal, Advocate.****For the respondent/State : Mr Tarun Pathak, Advocate.**

Rakesh Kainthla, Judge

The present revision is directed against the judgment passed by learned Additional Sessions Judge-II, Shimla (learned Appellate Court) dated 02.03.2015, vide which the judgment of conviction and order of sentence dated 31.07.2013 passed by learned Judicial Magistrate First Class, Court No.4, Shimla. (learned Trial Court) were upheld. (*The parties shall hereinafter be referred to in the same manner as they were arrayed before the learned Trial Court for convenience*).

2. Briefly stated, the facts giving rise to the present revision are that the police presented a challan before the learned Trial Court against the accused for the commission of offences punishable under Sections 279 and 337 of the Indian Penal Code (IPC) and Section 185 of the Motor Vehicles (MV) Act. It was asserted that the informant Rajinder Kumar (PW1), Rajinder Singh (PW5) and Bhupinder Thakur (PW2) were transporting the peas from Theog Sabji Mandi in the truck bearing registration No. HP-63-1678 on 04.10.2009. Their vehicle reached Tara Mata Temple (BCS) at about 01:30 p.m. A Bolero camper bearing registration No. HP-03B-0166 came from the opposite side at high speed towards the wrong side and hit the truck and a car bearing registration No. HP-40B-1545. The Bolero stopped after a certain distance. The driver appeared to be intoxicated. The informant sustained injuries in the accident. The matter was reported to the police and entry (Ext.PW10/A) was recorded in the police station. Prakash Chand (PW13) went to the spot for verification. He recorded the informant's statement (Ext.PW1/A) and sent it to the police station, where FIR (Ext.PW13/A) was registered. He filed an application (Ext.PW13/C) for the medical examination of the

accused and the injured. Dr Vidya Prakash (PW8) conducted the medical examination of the accused and found that he had consumed Alcohol. He issued the report (Ext.PW8/B). He preserved the blood and urine samples and handed them over to the police official accompanying the accused. He also examined the injured Rajender Kumar and found that he had sustained simple injuries which could have been caused in a Motor Vehicle accident. He issued the MLC (Ext.PW8/C). Constable Sanjeev Kumar (PW12) took the photographs (Ext.PW12/A1 to Ext.PW12/A5) whose negatives are Ext.PW12/A6 to Ext.PW12/A7. Prakash Chand (PW13) prepared the site plan (Ext.PW13/D). He seized the vehicles and the documents. Raghunath Sharma (PW6) examined the vehicles and found that there was no defect in them that could have led to the accident. He issued the report (Ext.PW6/A). The urine and blood samples of the accused were sent to the FSL, and as per the report of analysis (Ext.PW14/A), the blood contained 75.62%, and the urine contained 97.75% proof alcohol. The statements of witnesses were recorded as per their version, and after the completion of the investigation, the challan was prepared and presented before the learned Trial Court.

3. The learned Trial Court found sufficient reasons to summon the accused. When the accused appeared, a notice of accusation was put to him for the commission of offences punishable under Sections 279 and 337 of the IPC and Section 185 of the MV Act, to which he pleaded not guilty and claimed to be tried.

4. The prosecution examined fifteen witnesses to prove its case. Rajender Kumar (PW1) is the informant/victim; Bhupinder Thakur (PW2) and Rajender Singh (PW5) were travelling in the truck. Sandeep Sareen (PW3) is an eyewitness. Mohinder Singh (PW4) carried the Rukka to the Police Station and witnessed the recoveries. Raghunath Sharma (PW6) mechanically examined the vehicles. Vinod Kumar (PW7) is the owner of the Bolero and proved that he had employed the accused as the driver. Dr Vidya Prakash (PW8) conducted the medical examination of the accused and the informant. HC Surinder Pal (PW9) was working as MHC, with whom the case property was deposited. SI Nand Lal (PW10) proved the entry in the daily diary. Tulsi Ram (PW11) carried the case property to FSL Junga. Constable Sanjeev Kumar (PW12) took the photographs. Prakash Chand (PW13) investigated the matter.

C.L. Sharma (PW14) proved the report of the FSL. Rajeev Sharma (PW15) had sold the truck.

5. The accused, in his statement recorded under Section 313 of the Code of Criminal Procedure (CrPC), admitted that he was driving the Bolero on 04.10.2009 at about 01:30 p.m. He admitted that he was examined by the doctor. He claimed that he was innocent and a false case was made against him. He did not produce any evidence in his defence.

6. The learned Trial Court held that the statements of the witnesses corroborated each other in material particulars. There was nothing in their cross-examination to show that they were making false statements. The site plan and the photographs showed that the accused was driving the Bolero towards the wrong side of the road, which was the proximate cause of the accident. He was medically examined, and his blood sample was taken. He was found to be under the influence of alcohol. The informant had sustained injuries in the accident, which were caused due to the negligence of the accused. Hence, the learned Trial Court convicted and sentenced the accused as follows:

<i>Sections</i>	<i>Sentences</i>
279 of the Indian Penal Code	The accused was sentenced to undergo simple imprisonment for six months, pay a fine of ₹500/-, and, in default of payment of the fine, to undergo further simple imprisonment for one month.
337 of the Indian Penal Code	The accused was sentenced to undergo simple imprisonment for six months, pay a fine of ₹500/-, and, in default of payment of the fine, to undergo further simple imprisonment for one month.
185 of the Motor Vehicles Act.	The accused was sentenced to undergo simple imprisonment for three months, pay a fine of ₹500/-, and, in default of payment of the fine, to undergo further simple imprisonment for 15 days.
All the sentences of imprisonment were ordered to run concurrently.	

7. Being aggrieved by the judgment and order passed by the learned Trial Court, the accused filed an appeal which was decided by the learned Additional Sessions Judge-II, Shimla (learned Appellate Court). The learned Appellate Court concurred with the findings recorded by the learned Trial Court that the accused was driving the Bolero on the date of the

accident. He had taken it towards the wrong side of the road, which led to the accident. He had hit the truck and the car. He was medically examined and was found under the influence of alcohol. The blood sample of the accused revealed that he had consumed alcohol. His negligence led to the injuries to the informant. The learned Trial Court had rightly convicted the accused. The sentence imposed by the learned Trial Court was adequate, and no interference was required with it. Hence, the learned Appellate Court dismissed the appeal.

8. Being aggrieved by the judgments and order passed by the learned Courts below, the accused has filed the present revision asserting that the learned Courts below erred in appreciating the material on record. The statements of witnesses contradicted each other on material aspects, and the contradictions were ignored by the learned Courts below. The accident had taken place at a busy place. However, no independent witness was associated. The accident occurred because of the informant's negligence, and the learned Courts below erred in holding that the accused was negligently driving the vehicle. The benefit of the Probation of Offenders Act was not granted to the accused. Hence, it was prayed that the

present revision be allowed and the judgments and order passed by the learned Courts below be set aside.

9. I have heard Mr Arun Kaushal, learned counsel for the petitioner/accused, and Mr Tarun Pathak, learned Deputy Advocate General for the respondent/State.

10. Mr Arun Kaushal, learned counsel for the petitioner/accused, submitted that the learned Courts below erred in appreciating the material on record. The incident had taken place at a busy place, but no independent witness was examined. The informant was driving the truck at a high speed and in a zigzag manner, which led to the accident. The learned Courts below erred in holding that the accused was under the influence of alcohol. The benefit of the Probation of Offenders Act was not granted to him. Therefore, he prayed that the present revision be allowed and the judgments and order passed by the learned Courts below be set aside. He relied upon the judgment of this Court in *Keshav Nand @ Nand Lal vs.State of H.P. 2017:HHC: 3620* in support of his submission.

11. Mr Tarun Pathak, learned Deputy Advocate General for the respondent/State, submitted that the accused was

driving the Bolero towards the wrong side of the road. He could not control his vehicle and hit the truck and a car. The prosecution version was duly proved by the occupants of the truck and an independent witness. There is no evidence that the incident was witnessed by any independent person, and no adverse inference can be drawn against the prosecution for not examining any independent person. This Court should not re-appreciate the evidence while deciding the revision. Therefore, he prayed that the present revision be dismissed.

12. I have given considerable thought to the submissions made at the bar and have gone through the records carefully.

13. It was laid down by the Hon'ble Supreme Court in *Kuntegowda v. Thurubaiah*, 2026 SCC OnLine SC 1485 that a revisional court does not act as an appellate court and it can only determine the correctness, legality and propriety of the findings, sentence and order recorded by the lower court. It was observed:

“7. Before parting, we would like to accentuate the revisional jurisdiction of the High Courts and the contours and inherent limits while exercising powers as a revisional authority. Section 397 of the Criminal

Procedure Code, 1973 (now, Section 438 of Bharatiya Nagarik Suraksha Sanhita, 2023) encapsulates the power of High Courts and Sessions Courts to examine the correctness, legality or propriety of any order passed by an inferior criminal court. The said Section is extracted as hereunder:

“438. Calling for records to exercise powers of revision.—(1) The High Court or any Sessions Judge may call for and examine the record of any proceeding before any inferior Criminal Court situate within its or his local jurisdiction for the purpose of satisfying itself or himself as to the correctness, legality or propriety of any finding, sentence or order, recorded or passed, and as to the regularity of any proceedings of such inferior Court, and may, when calling, for such record, direct that the execution of any sentence or order be suspended, and if the accused is in confinement that he be released on his own bond or bail bond pending the examination of the record.

Explanation. —All Magistrates, whether Executive or Judicial, and whether exercising original or appellate jurisdiction, shall be deemed to be inferior to the Sessions Judge for the purposes of this subsection and of section 439.

(2) The powers of revision conferred by subsection (1) shall not be exercised in relation to any interlocutory order passed in any appeal, inquiry, trial or other proceeding.

(3) If an application under this section has been made by any person either to the High Court or to the Sessions Judge, no further application by the same person shall be entertained by the other of them.”

Discretion in the exercise of revisional jurisdiction should be exercised within the four corners of this section whenever there has been miscarriage of justice. However, while exercising power under this section, the

Court does not act as an appellate Court and therefore, while considering the legality, propriety or the correctness of a finding or a conclusion, the revisional court does not and should not dwell upon the facts and the evidence of the case as an appellate Court. The court, in revision, considers the material only to satisfy itself about the correctness, legality and propriety of the findings, sentence and order recorded by the lower court, and should refrain from substituting its conclusion on an elaborate consideration of evidence, and the findings of the lower courts should not be reversed merely on the ground that an alternative view is possible on the facts of the case. In this case, such a position did not also emanate from the evidence on record.

7.1. This Court, in the *State of Maharashtra v. Jagmohan Singh Kuldip Singh Anand*, (2004) 7 SCC 659: 2004 SCC (Cri) 2003, observed that the High Court, in exercise of its revisional jurisdiction, cannot embark upon an in-depth roving re-examination of the oral evidence and medical evidence and come to a conclusion contrary to the consistent one reached by two courts below. In the facts of the present case, in the impugned judgment, the High Court gravely erred in upsetting the concurrent findings of conviction of the trial court and the Appellate Court by substituting its own conclusions and reasoning on the merits of the case and thereby erred in setting aside the well-reasoned and correct judgment and orders of the trial and appellate courts.

7.2. Upon perusal of the impugned judgment and order dated 06.10.2023, it is apparent that the High Court went into great detail into each of the testimonies, documents and merits of the case, which could have been avoided, especially when the subject matter had come under its revisional jurisdiction. Instead, acting as an appellate Court, the High Court deemed it fit to go into the merits of the case, something which is generally impermissible unless a glaring contradiction

is apparent on the face of the record. In *State of Kerala v. Puttumana Illath Jathavedan Namboodiri*, (1999) 2 SCC 452: 1999 SCC (Cri) 275, while considering the scope of the revisional jurisdiction of the High Court, this Court has laid down the following:

“5. ... In its revisional jurisdiction, the High Court can call for and examine the record of any proceedings for the purpose of satisfying itself as to the correctness, legality or propriety of any finding, sentence or order. In other words, the jurisdiction is one of supervisory jurisdiction exercised by the High Court for correcting a miscarriage of justice. But the said revisional power cannot be equated with the power of an appellate court nor can it be treated even as a second appellate jurisdiction. Ordinarily, therefore, it would not be appropriate for the High Court to reappreciate the evidence and come to its own conclusion on the same when the evidence has already been appreciated by the Magistrate as well as the Sessions Judge in appeal, unless any glaring feature is brought to the notice of the High Court which would otherwise tantamount to a gross miscarriage of justice. On scrutinising the impugned judgment of the High Court from the aforesaid standpoint, we have no hesitation to come to the conclusion that the High Court exceeded its jurisdiction in interfering with the conviction of the Respondent by reappreciating the oral evidence. ...”

7.3. The contours for exercise of revisional jurisdiction have been well settled by the judicial dicta of this Court wherein time and again it has been observed that the High Court shall not interfere with the orders of the lower court unless:

- i. The order or finding of the lower court is perverse, grossly erroneous, glaringly unreasonable or wholly unreliable or untenable in law.

- ii. The lower court has passed the impugned order after considering immaterial or irrelevant material or no material at all.
- iii. There is a non-consideration of any relevant material or the judicial discretion has been exercised arbitrarily or capriciously.

7.4. This Court, in *Sanjabij Tari v. Kishore S. Borcar*, 2025 INSC 1158, in similar facts and circumstances wherein the High Court had reversed concurrent findings of conviction under Section 138 of NI Act, while setting aside the impugned order, observed as under:

“27. It is well settled that in exercise of revisional jurisdiction, the High Court does not, in the absence of perversity, upset concurrent factual findings. This Court is of the view that it is not for the Revisional Court to reanalyse and re-interpret the evidence on record. As held by this Court in *Southern Sales & Services v. Sauermilch Design and Handels GMBH*, (2008) 14 SCC 457, it is a well-established principle of law that the Revisional Court will not interfere, even if a wrong order is passed by a Court having jurisdiction, in the absence of a jurisdictional error.

28. Consequently, this Court is of the view that in the absence of perversity, it was not open to the High Court in the present case, in revisional jurisdiction, to upset the concurrent findings of the Trial Court and the Sessions Court.”

7.5. In the facts of the present case, we find that the High Court has failed to highlight any reason or material satisfaction to the effect that there was any such glaring contradiction or perversity apparent on the face of the record to justify the exercise of the powers under revisional jurisdiction and thereby erred in interfering with the judgment and orders of the courts below. Therefore, the present appeal has to be allowed by setting aside the impugned order of the High Court. In view of the aforesaid discussion, we are of the view

that the High Court committed an error in setting aside the order of conviction in exercise of revisional jurisdiction. No sufficient ground has been mentioned by the High Court in its judgment to enable it to exercise its revisional jurisdiction for setting aside the conviction.

14. The present revision has to be decided as per the parameters laid down by the Hon'ble Supreme Court.

15. The informant, Rajinder Kumar (PW1), stated that he was driving the truck bearing registration No. HP-63-1678 on 04.10.2009. Rajinder Kumar and Bhupinder were travelling with him. The truck reached near Tara Mata temple at about 01:30 p.m. A Bolero camper bearing registration No. HP-03B-0166 came at high speed from the opposite side towards the wrong side of the road and hit the truck and a car bearing registration No. HP-40B-1545. The camper stopped after 15-20 feet. He sustained injuries and his truck was damaged. The accused was driving the camper at the time of the accident. The police visited the spot and prepared the site plan. The police also took photographs of the spot.

16. The testimony of this witness is duly corroborated by the photographs (Ext.PW12/A2 and Ext.PW12/A5), wherein the truck is shown to be towards the extreme left side of the

road. The broken pieces are also lying adjacent to the truck, which shows that the truck had not changed its position after the accident. The site plan (Ext.PW13/D) also shows the truck towards the left side of the road. A 12-foot-wide road is shown towards the right side of the truck. Therefore, the photographs and the site plan show that the Bolero camper was being driven towards the right side of the road, whereas the truck was being driven towards the left side of the road.

17. Bhupinder Thakur (PW2) corroborated the informant's version. He stated that he was travelling in the truck from Theog. When the truck reached Tara Mata Temple near BCS, a Bolero camper came at a high speed towards the wrong side of the road and hit the truck and a car. The accused was driving the Bolero, and he appeared to be intoxicated.

18. Sandeep Sareen (PW3) stated that he was going to his home in the vehicle bearing registration No. HP-40B-1545. He was driving the car towards his side. He reached BCS at about 01:30 p.m. A Bolero camper bearing registration No. HP-03B-0166 tried to overtake his vehicle and hit the truck bearing registration No. HP-63-1678 and the car. The Bolero was

stopped after some distance. The accused was driving the vehicle, and he appeared to be intoxicated.

19. Rajinder Singh (PW5) stated that he was travelling in the truck. The truck reached BCS at about 01:30 p.m. A Bolero came from the opposite side at a high speed and hit the truck, which was going towards its own side. Bolero stopped after some distance. The driver sustained injuries. The accused was driving the Bolero, and he appeared to be intoxicated.

20. The statements of these witnesses corroborated each other. There is nothing in their cross-examination to show that they were making false statements. Their statements are duly corroborated by the site plan and the photographs of the spot. Therefore, the learned Courts below had rightly accepted their testimonies.

21. It was asserted that the informant was driving the truck towards the wrong side of the road in a zigzag manner at a high speed, which led to the accident. This submission cannot be accepted. The site plan, photographs and the statements of witnesses prove that the truck was being driven towards its own side, whereas the Bolero was being driven

towards the right side of the road. There is no material to conclude that the informant was driving the truck towards the right side of the road, and this submission is without any basis.

22. It was submitted that no independent witness was examined and this made the prosecution's version doubtful. This submission cannot be accepted. There is no evidence that any independent person had seen the incident. Hence, the non-examination of the independent witness is not material. In any case, the non-examination of the independent witness cannot be used to discard the prosecution's version. In *Appabhai and another Vs. State of Gujarat AIR 1988 SC 696*, the incident had taken place at the bus stand. It was contended that independent witnesses were not examined and the prosecution case was doubtful. It was held by the Hon'ble Supreme Court that the prosecution case cannot be doubted due to the non-examination of the independent persons. It was observed:

“11. In light of these principles, we may now consider the first contention urged by the learned counsel for the appellants. The contention relates to the failure of the prosecution to examine independent witnesses. The High Court has examined this contention but did not find any infirmity in the investigation. It is no doubt true that the prosecution has not been able to produce any independent witness to the incident that took place

at the bus stand. There must have been several such witnesses. But the prosecution case cannot be thrown out or doubted on that ground alone. The experience reminds us that civilised people are generally insensitive when a crime is committed even in their presence. They withdraw both from the victim and the vigilante. They keep themselves away from the Court unless it is inevitable. They think that a crime, like a civil dispute, is between two individuals or parties and they should not involve themselves. This kind of apathy of the general public is indeed unfortunate, but it is there everywhere, whether in village life, towns or cities. One cannot ignore this handicap with which the investigating agency has to discharge its duties. The court, therefore, instead of doubting the prosecution case for want of independent witness, must consider the broad spectrum of the prosecution version and then search for the nugget of truth with due regard to probability, if any, suggested by the accused."

23. The Central Government has framed the Rules of the Road Regulations, 1989, to regulate the movement of traffic. Rule 2 provides that the driver of a vehicle shall drive the vehicle as close to the left side of the road as may be expedient and shall allow all the traffic which is proceeding in the opposite direction to pass on his right side. It was laid down in *Fagu Moharana vs. State*, AIR 1961 Orissa 71, that driving the vehicle on the right side of the road amounts to negligence.

It was observed:

"The car was on the left side of the road, leaving a space of nearly 10 feet on its right side. The bus, however, was

on the right side of the road, leaving a gap of nearly 10 feet on its left side. There is thus no doubt that the car was coming on the proper side, whereas the bus was coming from the opposite direction on the wrong side. The width of the bus is only 7 feet 6 inches, and as there was a space of more than 10 feet on the left side, the bus could easily have avoided the accident if it had travelled on the left side of the road.”

24. Similarly, it was held in *State of H.P. Vs. Dinesh Kumar 2008 H.L.J. 399*, where the vehicle was taken towards the right side of the road, the driver was negligent. It was observed:

“The spot map Ext. P.W. 10/A would show that at point 'A' on the right side of the road, there were bloodstain marks and a V-shaped slipper of the deceased Anu. Point 'E' is the place where P.W. 1 Chuni Lal was standing at the time of the accident, and point 'G' is the place where P.W. 3 Anil Kumar was standing. The jeep was going from Hamirpur to Nadaun. The point 'A' in the spot map Ext. P.W. 10/A is almost on the extreme right side of the road.”

25. This position was reiterated in *State of H.P. vs. Niti Raj 2009 Cr.L.J. 1922*, and it was held:

“16. The evidence in the present case has to be examined in light of the aforesaid law laid down by the Apex Court. In the present case, some factors stand out clearly. The width of the pucca portion of the road was 10 ft. 6 inches. On the left side, while going from Dangri to Kangoo, there was a 7 ft. kacha portion, and on the other side, there was an 11 ft. kacha portion. The total width of the road was about 28 ft. The injured person was coming from the Dangri side and was walking on

the left side of the road. This has been stated both by the injured as well as by PW-6. This fact is also apparent from the fact that after he was hit, the injured person fell into the drain. A drain is always on the edge of the road. The learned Sessions Judge held, and it has also been argued before me, that nobody has stated that the motorcycle was on the wrong side. This fact is apparent from the statement of the witnesses, who state that they were on the extreme left side, and the motorcycle, which was coming from the opposite side, hit them. It does not need a genius to conclude that the motorcycle was on the extreme right side of the road and therefore on the wrong side.”

26. In the present case, the accused had breached the rules of the Road Regulation, which led to the accident, and both the learned Courts below had rightly held that the accused was negligently driving the Bolero.

27. Dr Vidya Prakash (PW8) examined the informant and found that he had sustained multiple injuries. He was not cross-examined regarding this part of the statement, and the same is deemed to be accepted as correct. The informant and the occupants of the vehicle also stated that the informant had sustained injuries in the accident. These statements are duly corroborated by the statement of the Medical Officer. Therefore, learned Courts below had rightly held that the informant had sustained injuries in the accident which were caused due to the negligence of the accused. Hence, the learned

Trial Court had rightly convicted the accused of the commission of offences punishable under Sections 279 and 337 of the IPC.

28. Dr Vidya Prakash (PW8) examined the accused and found that he was smelling of alcohol. He preserved the blood and the urine sample. These were sent to the FSL, and the result of analysis (Ext.PW14/A) was issued, in which it was mentioned that the blood contained 75.62% proof alcohol. Dr Vidya Prakash (PW8) admitted in his cross-examination that many medicines have alcohol content, but this admission will not help the accused because he did not claim that he had taken any medicine which has alcohol in it. C.L. Sharma (PW14), who examined the blood and urine sample, was not asked whether this much alcohol could have been present in the blood after the consumption of any medicine. Thus, the suggestion given to the Medical Officer that the medicine can produce the effect of alcohol will not help the accused.

29. Section 185 of the MV Act punishes a person who drives a motor vehicle having alcohol exceeding 30 mg per 100 ml. The quantity of alcohol found in the blood of the accused

was 75.62 mg%, which exceeds 30 mg per 100 ml, and he was rightly held guilty of the commission of an offence punishable under Section 185 of the MV Act.

30. It was submitted that the benefit of the Probation of Offenders Act should have been granted to the accused. This submission cannot be accepted. It was laid down by the Hon'ble Supreme Court in *Dalbir Singh Versus State of Haryana* (2000) 5 SCC 82 that a deterrent sentence is to be awarded to a person convicted of rash or negligent driving. It was observed:

"11. Courts must bear in mind that when any plea is made based on S. 4 of the PO Act for application to a convicted person under S. 304-A of I.P.C., road accidents have proliferated to an alarming extent, and the toll is galloping up day by day in India and that no solution is in sight nor suggested by any quarters to bring them down. When this Court lamented two decades ago that "more people die of road accidents than by most diseases, so much so that the Indian highways are among the top killers of the country, the saturation of accidents was not even half of what it is today. So V. R. Krishna Iyer, J., has suggested in the said decision, thus :

"Rashness and negligence are relative concepts, not absolute abstractions. In our current conditions, the law under S. 304-A, I.P.C. and under the rubric of negligence, must have due regard to the fatal frequency of rash driving of heavy-duty vehicles and speeding menaces."

12. In *State of Karnataka v. Krishna alias Raju (1987) 1 SCC 538*, this Court did not allow a sentence of fine, imposed on a driver who was convicted under S. 304-A, I.P.C., to remain in force although the High Court too had confirmed the said sentence when an accused was convicted of the offence of driving a bus callously and causing the death of a human being. In that case, this Court enhanced the sentence to rigorous imprisonment for six months besides imposing a fine.

13. Bearing in mind the galloping trend in road accidents in India and the devastating consequences of visiting the victims and their families, Criminal Courts cannot treat the nature of the offence under S. 304-A, I.P.C. as attracting the benevolent provisions of S. 4 of the PO Act. While considering the quantum of sentence to be imposed for the offence of causing death by rash or negligent driving of automobiles, one of the prime considerations should be deterrence. A professional driver pedals the accelerator of the automobile almost throughout his working hours. He must constantly inform himself that he cannot afford to have a single moment of laxity or inattentiveness when his leg is on the pedal of a vehicle in motion. He cannot and should not take a chance thinking that rash driving need not necessarily cause an accident, or even if any accident occurs, it need not necessarily result in the death of any human being, or even if such death ensues, he might not be convicted of the offence, and lastly, that even if he is convicted he would be dealt with leniently by the Court. He must always keep in mind the fear psyche that if he is convicted of the offence of causing the death of a human being due to his callous driving of a vehicle, he cannot escape from a jail sentence. This is the role which the Courts can play, particularly at the level of trial Courts, for lessening the high rate of motor accidents due to the callous driving of automobiles.”

31. A similar view was taken in *State of Punjab v. Balwinder Singh*, (2012) 2 SCC 182, wherein it was held: -

“13. It is a settled law that sentencing must have a policy of correction. If anyone has to become a good driver, they must have better training in traffic laws and moral responsibility, with special reference to the potential injury to human life and limb. Considering the increased number of road accidents, this Court, on several occasions, has reminded the criminal courts dealing with the offences relating to motor accidents that they cannot treat the nature of the offence under Section 304-A IPC as attracting the benevolent provisions of Section 4 of the Probation of Offenders Act, 1958. We fully endorse the view expressed by this Court in *Dalbir Singh* [(2000) 5 SCC 82: 2004 SCC (Cri) 1208].

32. Similar is the judgment in *State of Punjab v. Saurabh Bakshi*, (2015) 5 SCC 182: (2015) 2 SCC (Cri) 751: 2015 SCC OnLine SC 278, wherein it was observed at page 196:

“25. Before parting with the case, we are compelled to observe that India has a disreputable record of road accidents. There is a nonchalant attitude among the drivers. They feel that they are the “Emperors of all they survey”. Drunkenness contributes to careless driving, where other people become their prey. The poor feel that their lives are not safe, the pedestrians think of uncertainty, and the civilised persons drive in constant fear, but are still apprehensive about the obnoxious attitude of the people who project themselves as “larger than life”. In such circumstances, we are bound to observe that the lawmakers should scrutinise, relook and revisit the sentencing policy in Section 304-A IPC. We say so with immense anguish.”

33. In the present case, the accused was driving the Bolero under the influence of alcohol. He had caused injury to the informant and damaged two vehicles moving on the road. Therefore, he was not entitled to the benefit of the Probation of Offenders Act. The judgment of *Keshav Nand @ Nand Lal* (supra) will not help the petitioner because this judgment had not taken notice of the judgments of the Hon'ble Supreme Court in *Dalbir Singh* (supra), *Balwinder Singh* (supra) and *Saurabh Bakshi* (supra) noticed above.

34. Learned Trial Court had sentenced the accused to undergo simple imprisonment for 6 months for the commission of an offence punishable under Section 279 of IPC, 6 months for the commission of an offence punishable under Section 337 of IPC and 3 months for the commission of an offence punishable under Section 185 of the MV Act. Considering that injuries were caused to the informant by the negligence of the accused who was under intoxication, the sentence of 6 months imposed by the learned Trial Court cannot be said to be excessive, requiring any interference from this Court.

35. No other point was urged.

36. In view of the above, the present revision fails, and it is dismissed.

37. The present revision stands disposed of, and so are the pending miscellaneous application(s), if any.

38. The record of the learned Courts below be returned with a copy of the judgment.

(Rakesh Kainthla)
Judge

1st October, 2026
(Nikita)