

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRR No. 1135 of 2007
Date of Decision:11.12.2015****Prem Lal****.....Petitioner****versus****State of Punjab****..... Respondent****CORAM: Hon'ble Mr. Justice Ajay Tewari**

Present: Mr.Gurmeet Singh, Advocate
amicus curiae for the petitioner.

Mr.APS Gill, AAG, Punjab.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Ajay Tewari, J. (Oral):

This petition has been filed against concurrent conviction of the petitioner under Sections 304-A and 427 IPC. He was sentenced as under:-

Sr. No.	Offence Under Section	Sentence awarded	In default
1.	304-A IPC	R.I. for 1½ years with fine of Rs.1000/-.	RI for 15 days
2.	427 IPC	Rs. 50 fine only	RI for 7 days

Both the sentences were ordered to run concurrently.

The case of the prosecution is that the petitioner, while driving his truck bearing registration No. PB-08-P-9788 in a very rash

and negligent manner and at a high speed without blowing any horn dashed into the Moped of the deceased Sukhminder Singh due to which he died at the spot.

Learned amicus curiae appearing for the petitioners has argued that he does not press this petition on merits but only prays that there may be some scope for reduction in sentence. He has argued that the petitioner has been facing the agony of these criminal proceedings for the past more than 15 years and that is sufficient punishment for the offence committed by him. Learned AAG on the other hand states that though by his rash and negligent driving the petitioner has ended a life, yet he would have no objection if some leniency is shown in his sentence.

In **State of Punjab Vs. Saurabh Bakshi**, reported as 2015(2)RCR(Crl.)495 the Hon'ble Supreme Court has laid down that the offence under Section 304-A IPC cannot be compromised. Learned counsel for the petitioner has argued that even in the case of Saurabh Bakshi(supra) the Hon'ble Supreme Court had reduced the sentence from 2 years to 6 months.

Keeping in view the above mentioned judicial pronouncement and in the circumstances of the present case, while maintaining the conviction, the sentence of the petitioners is reduced to 6 months.

With the modification in sentence, the petition is dismissed.

(AJAY TEWARI)
JUDGE

11.12. 2015
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