

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No. 2039 of 2014 (O&M)
Date of decision : January 06, 2015

Tarsem Singh

..... Petitioner

v.

State of Punjab,

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. KBS Mann, Advocate
for the petitioner.

Mr. APS Gill, AAG Punjab

1. Whether Reporters of Local Newspapers 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)

CRM No.35881 of 2014

For the reasons recorded, this application is allowed and the hearing of the main revision petition is pre-poned to today.

CRR No.2039 of 2014

This revision petition has been filed against the concurrent conviction of the petitioner under Section 304-A of the IPC. The allegations were that on the fateful day, the petitioner was driving the bus rashly and negligently and when the deceased came from the fields and was proceeding towards the road, was hit by the petitioner, as a result of which the deceased died.

Counsel for the petitioner has argued that one of the eye witnesses categorically mentioned that the unidentified deceased looked like a person who was not in control of all of his faculties and in these circumstances to foist the entire blame upon the petitioner would be unfair.

Counsel for the respondent has not disputed this factual assertion regarding the above testimony.

To my mind, this would not exonerate the petitioner because even if it is accepted that the deceased was not in full control of his senses, it would not give him a licence to drive the vehicle rashly and negligently. However, this piece of evidence may lead to a conclusion that there was contributory negligence by the deceased also. In these circumstances, I do not deem it appropriate to interfere in the judgment of conviction. However, I do feel that the sentence awarded to the petitioner is liable to be reduced. Consequently, even while upholding the conviction, I reduce the sentence of the petitioner to one year.

This revision petition stands disposed of in the above terms.

(AJAY TEWARI)
JUDGE

January 06, 2015
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