

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRR No.3055 of 2014(O&M)

Date of decision: 23.02.2015

Varinder Sharma

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr. Kuldip Sanwal, Advocate for the petitioner
Mr.Nikhil K. Chopra, DAG 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?*

Kuldip Singh, J. (Oral)

This revision is directed against the judgment dated 11.9.2014, passed by the learned Additional Sessions Judge (Adhoc) Fast Track Court, Gurdaspur, upholding that of the learned Judicial Magistrate 1st Class, Batala dated 12.7.2013, vide which the petitioner was convicted under Section 304-A IPC and sentenced to undergo RI for two years and fine of Rs.2000/-, in default thereof, to further undergo RI for 15 days. He was also sentenced to undergo RI for three months under Section 279 IPC and fine of Rs.1000/-, in default thereof to further undergo RI for 15 days. Both the sentences were directed to run concurrently.

The facts necessary for the purpose of disposal of the present revision are that on 22.12.2011 at 5.00 PM, the complainant

Tarsem Singh along with Shingara Singh were present at the bus stand village Sekhwan. In the meanwhile, a Mahindra Max bearing registration No. PB-07-U-7967 came from Kahnuwan side in rash and negligent manner and struck against the motorcycle bearing registration No. PB-18-H-8842 driven by Sawinder Singh. As a result of the accident, Sawinder Singh received injuries. Driver of Mahindra Max was overpowered by the public at the spot.

The trial before the learned Magistrate resulted into conviction of the accused aforesaid. Accused filed appeal before the learned Additional Sessions Judge (Adhoc) Fast Track Court, Gurdaspur which was dismissed.

I have heard learned counsel for the parties and have also carefully gone through the file.

Learned counsel for the revisionist has argued that in this case, the deceased had come from the link road of Dhariwal Bhoje and that due to his sudden appearance on the main road, accident took place. The perusal of site plan Ex.PW7/C shows that the accident took place not on the place where the link road joins the main road but at some distance towards Batala, on the bus stand. The statement of PW1 Tarsem Singh shows that during cross-examination a specific suggestion was put to him that he had entered the main road after looking left and right. Therefore, it cannot be said that the deceased was negligent before entering the main road. Tarsem Singh (PW1) has stated that motorcycle was at a speed of 20-30 km per hour and that before entering main road, he had seen left and right. Further the perusal of statement of the doctor shows

that lower four ribs on right side of the deceased were fractured, lower 7 ribs on right side were fractured. The injuries show that the vehicle of the accused hit with great force. Accused should have slowed down his vehicle at the bus stand. Therefore, I do not find any illegality or infirmity in the judgment of two Courts below.

Faced with these circumstances, learned counsel for the petitioner has prayed for releasing the accused on probation.

I am of the view that in view of the enormous increase in the number of deaths in road accidents, no leniency is to be shown in road accident cases. However, I am of the view that there is some scope for reduction of sentence passed under Section 304-A IPC. Keeping in view entirety of facts and circumstances of this case, sentence of two years passed under Section 304-A IPC is reduced to 1- ½ years. The remaining part of the sentence under Sections 304 IPC and 279 IPC is kept intact.

With this modification, the present revision petition is dismissed.

23.02.2015*gk***(Kuldip Singh)
Judge**