

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No. 3901 of 2014 (O&M)
Date of decision : December 21, 2015

Ravinder Singh,

..... Petitioner

v.

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Mukesh Rao, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, Addl. AG 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)

This petition has been filed against the order dated 10.09.2014 vide which framing of alternative charge has been declined.

Allegations are that the petitioner was driving his bus at a very fast speed. Despite being told by a passenger to drive slow and despite knowing that there was a curvy turn ahead, an accident took place which resulted into two deaths. Challan was filed and charge was framed under Section 304 of the IPC.

Counsel for the petitioner has argued that even if the allegations in the FIR are taken to be true, there is definitely a case for framing of alternative charge under Section 304-A of the IPC. Actually,

offence under Section 304 of the IPC is not made out because there was no previous intention but even if Section 304 of the IPC had to be invoked, it would be in the interest of justice to frame alternative charge under Section 304-A of the IPC also because the absence to do that can cause unjustified prejudice to the petitioner. He has relied upon a judgment of this Court in Court on its own motion v. State of Punjab and others, 2005(4) RCR (Criminal) 673.

Counsel for the respondent has also relied upon the above judgment to contend that the contention that Section 304 of the IPC can never be invoked is too extreme.

I find that both these have been dealt with by this Court in Court on its own motion's case (supra). In these circumstances, this petition is allowed, the impugned order is set aside, and it is directed that alternative charge be also framed in the present case.

December 21, 2015
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(AJAY TEWARI)
JUDGE