

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRR No.2349 of 2012 (O&M)

Date of decision: 27.04.2016

Bal Kishan

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.P.S.Hundal, Senior Advocate with
Mr.Munish Puri, Advocate for the petitioner
Mr.Parveen Aggarwal, DAG Haryana

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)

The present revision is against the concurrent findings recorded by two Courts below. The petitioner was convicted and sentenced by learned Judicial Magistrate 1st Class, Ambala City vide judgment of conviction dated 28.5.2010 and order of sentence dated 29.5.2010 and sentenced as under:-

"The accused is sentenced to undergo rigorous imprisonment for a period of three months and to pay a fine of Rs.500/- and in default of payment of fine, to further undergo another imprisonment for a period of 15 days for the offence punishable under Section 279 of IPC and again, I sentence the accused to undergo rigorous imprisonment for a period of three months and to pay a fine of Rs.250/- and in default of payment of fine, to

further undergo another imprisonment for a period of 10 days for the offence punishable under Section 337 of IPC and again, I sentence the accused to undergo rigorous imprisonment for a period of six months and to pay a fine of Rs.750/- and in default of payment of fine, to further undergo another imprisonment for a period of 20 days under Section 304-A of IPC. All the sentences to run concurrently and the period of detention already undergone by the accused, if any, is ordered to be set off against the substantive sentence awarded by this Court.”

The appeal was dismissed by the first appellate Court.

Heard.

It comes out that in this case, as a result of rash and negligent driving of van by the present petitioner, which hit the motorcycle, two ladies, namely, Tej Kuar @ Ajit Kaur and Sarabjit Kaur fell down in Markanda river and lost their lives. One Pritpal Singh was injured. Pritpal Singh had appeared in the lower Court to give the first hand account of the accident. There are concurrent findings of two Courts below. No ground to interfere in the judgment of conviction. So far as sentence is concerned, it appears that on account of the fact that the trial before the Magistrate continued for ten years, the Magistrate has taken a lenient view. Thus, no ground to interfere in the sentence as well.

Consequently, the present revision stands dismissed.

The accused be arrested forthwith to undergo the remaining part of the sentence.

27.04.2016
gk

(Kuldip Singh)
Judge