

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR No.2080 of 2015
Date of decision: April 08, 2016.

Sandeep Kumar

... **Petitioner**

v.

State of Punjab

... **Respondent**

CORAM: **HON'BLE MR. JUSTICE KULDIP SINGH**

Present: Mr. Manu Loona, Advocate for the petitioner.

Mr. Ashish Sanghi, Deputy Advocate General, Punjab.

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

Kuldip Singh, J. (Oral):

Heard.

The petitioner has challenged the judgment dated 11.2.2014 passed by learned Sub Divisional Judicial Magistrate, Abohar vide which the present petitioner was convicted under Section 304-A and 337 IPC and sentenced to undergo maximum RI for a period of two years along with fine of Rs.5000/-, in default, further RI for six months under Section 304-A IPC. The appeal filed by the petitioner was dismissed by learned Additional Sessions Judge, Fazilka on 19.2.2015.

At the admission stage, the notice was issued only on the quantum of sentence. Learned Counsel for the petitioner has prayed for leniency saying that the petitioner is the sole bread winner of the family.

Perusal of the prosecution story shows that the petitioner was driving a tractor with which a trolley was attached. The trolley was

occupied by 13 women folk who were going to the fields of one Bhagrawat Ram for collecting cotton crop. When the tractor trolley approached the unmanned railway crossing, the train was spotted coming from Abohar side. All the ladies raised hue and cry and asked the petitioner to stop the tractor. However, instead of stopping the tractor, the petitioner accelerated the speed and tried to cross the unmanned railway crossing. The tractor was able to cross, however, the train hit the trolley, resulting in the death of four ladies and injuries to 7 others. All the injured had appeared in the witness box and supported the prosecution case. In the accident, four poor ladies lost their lives due to rash and negligent act of the petitioner. Therefore, this Court is not inclined to reduce the sentence passed by both the courts below.

Dismissed.

April 08, 2016.
kadyan

[Kuldip Singh]
Judge