

111 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.1748 of 2016 (O&M)
Date of Decision: May 09, 2016

Satbir Petitioner

vs.

State of Haryana Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Manoj Kumar Sood, Advocate for the petitioner.

- 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)

Impugned in the present revision petition is the judgment dated 27.04.2016 passed by learned Addl. Sessions Judge, Gurgaon, affirming the judgment of conviction dated 05.10.2015 and order of sentence dated 08.10.2015 passed by learned Judicial Magistrate 1st Class, Gurgaon, vide which the present petitioner was convicted and sentenced as under:

Sr. No.	Offence	Sentence	Fine (₹)	In default of payment of fine
1	279 IPC	3 months R.I.	1,000/-	15 days S.I.
2	337 IPC	3 months R.I.	500/-	10 days S.I.
3	304-A IPC	1 year R.I.	--	--

All the substantive sentences were directed to run concurrently.

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

Learned counsel for the petitioner contends that rash and negligent driving by the driver is not proved.

The facts of the case show that on 28.10.2011, the complainant along with his wife Maino and son-in-law Mukesh boarded a Tata Magic Tempo bearing registration No.HR-47BT-1425 from Rajiv Chowk, Gurgaon for Rewari. It is specifically alleged in the FIR that the accused was driving the said Tata Magic Tempo rashly and negligently and he was asked many time to drive it slow. At about 10.00 p.m., when they reached near Bilaspur Chowk, the accused hit the Tata Magic Tempo in another vehicle, going ahead of him. As a result of which, the complainant, his wife and his son-in-law fell out of the Tata Tempo Magic and received injuries. The wife of the complainant later on succumbed to the injuries on 05.12.2011.

The fact that the accused hit the vehicle going ahead of him goes to show that he was driving his vehicle rashly and negligently. As an impact of the accident, three passengers were thrown out of the vehicle. There are concurrent findings of two courts below. Thus, there is no ground to interfere in the same. The maximum sentence awarded upon the accused-petitioner is rigorous imprisonment of one year only. Therefore, there is no ground to interfere in the quantum of sentence also.

Accordingly, the present revision petition stands dismissed.

May 09, 2016
sarita

(KULDIP SINGH)
JUDGE