

231 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.3892 of 2015 (O&M)
Date of Decision: February 01, 2016

Karnail Singh Petitioner

vs.

State of Haryana Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Ashit Malik, Advocate for the petitioner.

Mr. Yashwinder Singh, 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)

Impugned in the present revision is the judgment dated 23.09.2015 passed by learned Addl. Sessions Judge, Kurukshetra, affirming the judgment of conviction and order of sentence 30.01.2012 passed by learned Judicial Magistrate 1st Class, Kurukshetra, vide which the accused-petitioner was convicted and sentenced as under:

Sr. No.	Offence Punishable u/s	Sentence	Fine (₹)	In default of Fine (S.I.)
1	279 IPC	6 months (S.I.)	100/-	1 month
2	337 IPC	3 months (S.I.)	100/-	15 days
3	304-A IPC	2 years (R.I.)	500/-	3 months

All the substantive sentences were directed to run concurrently.

The allegations against the petitioner are that he was driving a three-wheeler rashly and negligently and struck the same against a tree. As a result of which, one of the occupants, namely, Akshay son of the complainant Saroj, died, whereas complainant and her husband suffered injuries.

Learned counsel for the petitioner contends that the accused-petitioner is 70% disabled.

As per statement of Dr. R.L. Arya, DW2, the accused-petitioner is 70% disabled with deformity of left lower limb. Therefore, he cannot drive three wheeler. The identity of the accused-petitioner as the driver of the three wheeler is established. Despite the fact that the accused-petitioner is 70% disabled with deformity of left lower limb, he drove the three wheeler and struck the same against a tree. There is no enmity of the complainant with the accused-petitioner. Thus, there is no ground to interfere in the concurrent findings of facts recorded by both the courts below.

Learned counsel for the accused-petitioner has prayed for leniency in the sentence awarded to the accused-petitioner on the ground that he is 70% disabled.

Custody certificate of the accused-petitioner has been filed in the court today and the same is taken on record, which shows that he has already undergone actual imprisonment of 6 months 14 days including remission.

Keeping in view the health of the accused-petitioner and the facts and circumstances of the case, the sentence awarded to

the accused-petitioner under Section 304-A IPC is reduced from 2 years to 1 year. However, the remaining part of the sentence is kept intact.

With the aforesaid modifications, the present revision stands dismissed.

February 01, 2016
sarita

(KULDIP SINGH)
JUDGE