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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 4184 of 2015 (O/M)
Date of decision : 28.3.2016

Lakhwinder Singh Petitioner
Versus
State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Rajesh Kapila, Advocate, for the petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
 2. To be referred to the Reporter or not.
 3. Whether the judgment should be reported in the digest ?
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KULDIP SINGH J. (ORAL)

The lower Court record has been received.

Notice of motion to the Advocate General, Punjab.

On asking of the Court, Mr. Ashish Sanghi, Deputy Advocate General, Punjab, accepts notice on behalf of respondent-State.

Heard.

The perusal of the lower Court record shows that the truck was parked on the main road from the Patiala to Samana. The scooter driven by Harpreet Kaur rammed into the rear side of the truck. The allegations of the injured Harpreet Kaur and Ranjit Kaur are that the truck, after overtaking their scooter, made a cut and then suddenly applied brake, as a result of which the accident occurred.

In any case, the main road is not meant for parking of the

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vehicle. Therefore, rash and negligent driving on the part of the petitioner-accused is proved. Therefore, there is no error in the findings recorded by both the Courts below.

So far as the quantum of sentence is concerned, the petitioner has been sentenced to undergo rigorous imprisonment for two years for commission of offence punishable under Section 338 IPC, in addition to fine, on account of the fact that both Harpreet Kaur and Ranjit Kaur received serious injuries. Ranjit Kaur (injured) had to be operated upon for injury to the brain. However, the lower Court file also shows that both injured Harpreet Kaur and Ranjit Kaur had appeared in the Court and depose like a normal witness, which shows that the injuries of both the said injured have been cured. Therefore, taking into account the totality of the circumstances, while maintaining the conviction of the accused for commission of the offences punishable under Sections 279, 337 and 338 IPC, the sentence passed upon the accused under Section 338 IPC is reduced from two years to ten months. The remaining part of the sentence under Section 338 IPC is maintained. The sentence passed under Sections 279 and 337 IPC is also maintained.

With the abovenoted modification, the present revision is dismissed.

28.3.2016
sjks

(KULDIP SINGH)
JUDGE