

111 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.38 of 2016
Date of Decision: January 08, 2016

Sombir
.... Petitioner

vs.

State of Haryana
.... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Shubham Kaushik, 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 16.10.2015 passed by learned Addl. Sessions Judge, Bhiwani, affirming the judgment of conviction dated 27.09.2012 and order of sentence dated 03.10.2012 passed by learned Sub Divisional Judicial Magistrate, Loharu, whereby the present petitioner was convicted and sentenced as under:

S.N.	Offence	Sentence (R.I.)	Fine (₹)	Sentence in default of payment of fine (R.I.)
1	279 IPC	6 months	1,000/-	2 months
2	304-A IPC	2 years	5,000/-	4 months

Both the substantive sentences were directed to run concurrently.

Briefly stated that on 26.12.2010 at about 6/6.30 p.m., a trollea bearing registration No.RJ-18GA-2714 being driven by

accused-petitioner in rash and negligent manner from Bhiwani to Loharu, barged in the car bearing registration No.HR-16H-2500. As a result of which, three occupants, namely, Mahabir, Sandeep and Sushil died at the spot. As per prosecution case, the trolly ran over the car and car was dragged under the trolly.

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

Learned counsel for the petitioner has produced the copy of site plan. The site plan itself shows that the accident took place when the car was on the extreme left side and the trolly was on the right side. The fact that the trolly ran over the car goes to show that it was head on collision and the trolly was at high speed. Had the trolly been driven at lower speed, it would not have ran over the car and the car would not have been dragged under the trolly. After the collision, the trolly was not able to stop and dragged the car to its left side at point 'B' and 'C' at some distance, this also indicates that the trolly was being driven rashly and negligently.

There are concurrent findings of both the courts below. Therefore, there is no illegality or infirmity in the findings recorded by both the courts below.

Learned counsel for the petitioner has argued that sentence of two years under Section 304 IPC is quite harsh. Therefore, either the sentence may be reduced or the petitioner may be released on probation.

Keeping in view the fact that three persons had died in the accident due to rash and negligent driving of the petitioner, there

is no ground to reduce the sentence awarded to the petitioner. It is also not a fit case for grant of probation under the Probation of Offenders Act, 1958.

In view of the above, the present revision petition is dismissed.

January 08, 2016
sarita

(KULDIP SINGH)
JUDGE