

**107 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRR No.598 of 2016 (O&M)
Date of Decision: February 12, 2016**

Magh Singh

.... Petitioner

vs.

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Gurmeet Singh Saini, 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 22.01.2016 passed by learned Sessions Judge, Ferozepur, affirming the judgment of conviction and order of sentence dated 08.06.2015 passed by learned Sub Divisional Judicial Magistrate, Guru Har Sahai, whereby the petitioner was convicted for the commission of offence punishable under Section 304-A IPC and sentenced to undergo rigorous imprisonment for 2 years and to pay a fine of ₹3,000/-, in default thereof to further undergo rigorous imprisonment for 1 month.

The allegations against the petitioner are that while he was driving one Trax Toofan vehicle bearing registration No.PB-05M-1105 rashly and negligently hit the motorcycle bearing registration No.PB-25D-9961. As a result of which Kulwant Singh and Baljit Singh, who were sons of the complainant Mohinder Singh, on whose statement the FIR was registered, died at the spot.

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

A perusal of judgments of both the courts below shows that the petitioner was duly identified. The complainant stood by his statement. Both the courts below have duly discussed the evidence to come to the conclusion that the petitioner was driving the vehicle rashly and negligently and caused the accident. Therefore, there is no illegality or perversity in the findings recorded by both the courts below. Thus, the findings are affirmed.

Learned counsel for the petitioner has pressed that the petitioner is a poor person. Therefore, his sentence should be reduced.

In this case lives of two young boys have lost due to rash and negligent driving of the petitioner. Therefore, sentence of two years awarded to the petitioner cannot be called excessive. Therefore, there is no scope to reduce the sentence of the petitioner.

Accordingly, the present revision petition stands dismissed.

February 12, 2016
sarita

(KULDIP SINGH)
JUDGE