

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

Crl. Revision No. 1874 of 2007 (O&M)

Date of decision : 11.8.2017

Chand Ram

.. Petitioner

versus

State of Haryana

.. Respondent

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. S. S. Kharb, Advocate, for the petitioner.

Mr. Ankur Mittal, Additional Advocate General, Haryana.

Rajesh Bindal, J.

The petitioner was convicted for offences under Sections 279, 337 and 338 of Indian Penal Code and sentenced to undergo imprisonment for a period of six months and to pay a fine of ₹ 1,250/-. The petitioner has undergone actual imprisonment of 12 days.

Learned counsel for the petitioner submitted that accident happened per chance. The petitioner is a poor person and presently getting ₹ 4,500/- per month as salary with two meals a day. He has two children to maintain. There is no permanent disability suffered by the injured. He had a fracture in right leg, which was cured. In the claim petition filed by him under the Motor Vehicles Act, 1988 (for short, 'the Act') he was suitably compensated. As there was no intention to cause injury and the petitioner was not negligent, the accident being about 18 years old, he prayed that sentence be reduced to the period already undergone.

On the other hand, learned counsel for the State, while not disputing the fact that there is nothing on record to suggest that injured

suffered any permanent disability and further that he had been awarded compensation under the Act, submitted that rash and negligent driving deserves to be dealt with sternly so as to avoid accidents on road and the punishment awarded being quite meager, the same deserves to be upheld.

After hearing learned counsel for the parties and considering the factual matrix of the case especially the fact that the accident took place about 18 years back, two motorcycles collided, the injured did not suffer any permanent disability; he has been compensated adequately under the Act and the petitioner is claiming that he is earning meagre amount to maintain his family, in my opinion, the sentence awarded to the petitioner deserves to be reduced to the period already undergone.

The revision petition is accordingly allowed. The impugned orders passed by the courts below are modified to the extent that sentence of six months imprisonment awarded to the petitioner is reduced to the period already undergone.

(Rajesh Bindal)
Judge

11.8.2017
sharmila

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No