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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 1746 of 2008 (O/M)
Date of decision : 14.11.2017

Ram Gopal

..... Revisionist

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. R.S. Randhawa, Advocate, for revisionist.

Mr. R.K. Makkad, DAG Haryana.

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)

Custody certificate filed in Court today and same is taken on record.

This revision is directed against the judgment dated 22.8.2008, passed by the learned Additional Sessions Judge, Faridabad, affirming the judgment of conviction and order of sentence dated 14.7.2007, passed by the learned Judicial Magistrate 1st Class, Faridabad, vide which revisionist was convicted under Sections 279, 337 and 304-A IPC and was sentenced to undergo rigorous imprisonment for six months under Section 279 IPC, rigorous imprisonment for six months under Section 337 IPC and rigorous imprisonment for one year under Section 304-A IPC and fine of Rs. 2,000/-, in default of payment of fine, to undergo further rigorous imprisonment for three months. However, the order of sentence under Section 337 IPC was set aside by the learned Additional Sessions Judge, Faridabad, vide judgment dated 22.8.2008.

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Heard. The lower Court file perused.

On 6.1.1999, at about 2:00 PM, Puran Lal (PW1) was driving a jeep, bearing registration No. HR50-1398 and going to village Banchari from Palwal. At that time, Ranbir, brother of complainant, Shiv Ram, brother in law of complainant and Tota Ram were also travelling in the jeep. At about 2:15 PM, jeep reached near village Tumsara bus stand and was stopped on its correct side. The passengers were debording. In the meanwhile, a DTC bus bearing registration No. DL-1PA-2908 came from behind at a high speed in rash and negligent manner and hit the stationary jeep. As a result, Ranbir, who was sitting on the rear seat of jeep, received injuries on both his legs and left hand. Laxman son of Girraj also received injuries. Ranbir was removed to the hospital in another private jeep where he succumbed to injuries. On the statement of Tota Ram (Ex.PW2/A), a criminal case was registered against revisionist Ram Gopal.

To support the occurrence, Puran Lal (driver of jeep) appeared as PW1 and Tota Ram (complainant) appeared as PW2. An official from the department of DTC, namely, Chhattar Singh also appeared as PW8 to prove that as per the duty roster, revisionist was on duty on said bus as a driver. So far as identity of revisionist is concerned, it is proved from the fact that revisionist was named in the FIR and as per the department records, he was on the wheels to DTC bus at the time of accident.

The learned counsel for revisionist contends that both Puran Lal and Tota Ram have stated in their statements that bus came at a high speed, but they did not state that bus was driven in a rash and negligent manner. He has also referred to the site plan to show that jeep was stopped on the road though towards left side. Therefore, jeep driver was at fault and it was

not a rash and negligent act on the part of revisionist.

I am of the view that even if Puran Lal and Tota Ram did not state that bus was driven in a rash and negligent manner, however, the rash and negligent manner is to be inferred from the circumstances. The jeep was parked at the bus stand of village Tumsara and passengers were deboarding. When there is a bus stand on the way, the DTC bus coming from behind could see it from a distance and could slow down to pass the jeep even if it is parked either completely or partly on the road/katcha path since it was a bus stand. However, it is apparent that the DTC bus came at a high speed and without looking that a vehicle is parked at the bus stand hit the same from behind, which itself is a rash and negligent act. The report of mechanic shows extensive damage to the bus, which includes breaking of both of its front glasses. Both the Courts below have rightly believed the statement of Tota Ram (complainant) and Puran Lal (driver of jeep). There is no illegality or infirmity in the findings recorded by both the Courts below.

The learned counsel for revisionist contends that keeping in view the age of revisionist, his sentence either be reduced or he be released on probation. Reliance has been placed on authority in Satish Versus State of Haryana and another, 2015 (25) RCR (Criminal) 930, delivered by a coordinate bench of this Court, wherein the judgment of Apex Court delivered in State of Himachal Pradesh Versus Ram Pal, 2015 (2) RCR (Criminal) 127 was relied upon. The observations of the Court shows that in that case, the State has challenged the inadequate sentence before the Hon'ble Supreme Court and the Hon'ble Supreme Court took the view that under Article 136 of the Constitution of India, it cannot re-appreciate the

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evidence in the absence of perversity or patent illegality because a different view was also possible. Therefore, it declined to re-open the correctness of conviction of respondent. However, it increased the compensation.

I am of the view that keeping in view the fact that about more than 400 people die daily in India in the motor vehicle accident, a strict view is to be taken. In these circumstances, I do not find any ground to reduce the sentence of revisionist in present case. Hence, revision is dismissed. Revisionist, who is on bail, be rearrested to undergo the remaining part of sentence.

(KULDIP SINGH)
JUDGE

14.11.2017

sjks

Whether speaking / reasoned : Yes

Whether Reportable : No