

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No. 3940 of 2016 (O&M)

Date of Decision: 30.03.2017

Satpal Singh @ Kala

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. J.K. Singla, Advocate
for the petitioner.

Mr. Jashanpreet Singh, AAG, Punjab.

SURINDER GUPTA, J.

Petitioner-Satpal Singh @ Kala faced trial and was convicted for offences punishable under Sections 279 and 304-A of Indian Penal Code (for short 'IPC') by learned Judicial Magistrate Ist Class, Mansa and was sentenced to undergo rigorous imprisonment for six months under Section 279 IPC and one year under Section 304-A IPC. Appeal filed by the petitioner was dismissed by learned Additional Sessions Judge, Mansa and his conviction and sentence were maintained.

2. As per case of prosecution, petitioner had caused death of Kuldeep Singh by rash and negligent driving of his truck bearing registration no. PB-31J-1608.

3. As the notice has been issued only on the point of quantum of sentence, detailed facts of the case are not required to be discussed.

4. I have heard learned counsel for the petitioner and learned State counsel and have perused the paper-book with their assistance.

5. While seeking concession in quantum of sentence awarded to

the petitioner, learned counsel for the petitioner has argued that petitioner belongs to a poor family and has also old age parents to look after. He is only breadwinner of the family and the dependents of the deceased have been awarded compensation of ₹8 lacs by Motor Accident Claims Tribunal, in a petition filed under Section 166 of the Motor Vehicles Act.

6. It is a case where a person going on cycle was hit by the truck of petitioner, which was being driven in a rash and negligent manner. Precious and valuable life was lost. The trial Court after reaching conclusion that on the date of accident, petitioner drove his truck bearing registration no. PB-31J-1608 in a rash and negligent manner, so as to endanger the public life and safety and also caused death of Kuldeep Singh, has already taken a lenient view by awarding rigorous imprisonment for one year for offence punishable under Section 304-A IPC.

7. Roads are meant for traffic but the driver of a vehicle, who is rash and negligent, turns it into a deathtrap thereby posing threat to lives of its users. It is a high time when Courts are required to take a rational view to deal with such menace. Submissions raised by learned counsel for the petitioner make out no ground to further reduce the sentence awarded to the petitioner. To get compensation for the loss of their breadwinner, is a right conferred on dependents on the victim and cannot be taken as a circumstance in favour of the convict to reduce his sentence. The other submissions of learned counsel for the petitioner that petitioner belongs to a poor family and is the only breadwinner also does not weigh in his favour keeping in view facts and circumstances of this case.

8. As a sequel of my above discussion, I find no reason to interfere with the view taken by learned trial Court and affirmed by Ist

Appellate Court regarding the quantum of sentence awarded to the petitioner.

9. This petition has no merit and the same is dismissed.

March 30, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***