

108 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.1478 of 2017 (O&M)
Date of decision : July 05, 2017

Gurmit Lal Petitioner

Versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. G.S. Sandhu, Advocate for the petitioner.

- 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 ?

KULDIP SINGH J. (ORAL)

Present revision is directed against the judgment dated 13.02.2017 passed by learned Addl. Sessions Judge, Ludhiana, affirming the judgment of conviction and order of sentence dated 21.10.2016 passed by learned Judicial Magistrate 1st Class, Ludhiana, vide which the accused-revisionist was convicted and sentenced as under:

Sr. No.	Offence	Sentence	Fine	In default of payment of fine
1	279 IPC	R.I. for two months	--	--
2	337 IPC	R.I. for two months	--	--
3	338 IPC	R.I. for one year	₹200/-	R.I. for 7 days
4	304-A IPC	R.I. for 1-½ year	₹200/-	R.I. for 7 days

All the sentences were directed to run concurrently.

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

A perusal of the file shows that on 02.03.2014 at about 3.30 p.m., the present revisionist was driving a Tipper bearing registration No.PB-10BK-6525 rashly and negligently and hit a car. As a result of

which the tipper turned turtle and badly damaged. Three persons, namely, Samanpreet Singh, Dev Arman Singh and Jasbir Kaur lost their lives in the accident. However, the driver fled from the place of occurrence. He was identified at the spot. The complaint was registered on the statement made by Pardeep Singh, who is stated to be present on the shop near the place of occurrence.

Learned counsel for the revisionist has argued that the presence of Pardeep Singh at the spot is not proved. It is stated that in the medical record, the injured are stated to have got admitted by Baldev Singh (father of Pardeep Singh). Pardeep Singh had specifically stated that after the accident, his father Baldev Singh had come to the spot. Pardeep Singh is the brother-in-law of Samanpreet Singh. Dev Arman Singh was his nephew. He was closely related with the three deceased. His sister Mandeep Kaur also received injuries in the aforesaid accident. Therefore, it is quite possible that other family members also reached at the hospital. Since, three persons died, the doctor recorded the name of one of the family members as a person, who got admitted the injured/deceased in the hospital.

Learned counsel for the revisionist has also argued that the Investigating Officer was not examined.

I am of the view that non-examination of the Investigating Officer is immaterial. Complainant-Pardeep Singh has fully proved the case. The accused-revisionist was being driving the tipper rashly and negligently with the result that the tipper after hitting the car turned turtle. It shows the rashness with which the tipper was driven. Learned Magistrate has dealt with all the aspects of the case. The findings are affirmed by the learned

Addl. Sessions Judge, Ludhiana. After a perusal of judgments of both the

courts below and the lower court record, I do not find any illegality or infirmity in the findings recorded by both the courts below. Accordingly, the findings of conviction of the accused-revisionist are affirmed.

Learned counsel for the revisionist has prayed for leniency in the sentence.

I am of the view that in this case, three persons had lost their lives. The learned Magistrate has already taken a lenient view by awarding the sentence of 1-1/2 year for the commission of offence punishable under Section 304-A IPC. No further leniency is possible.

In view of the foregoing discussion, I do not find any merit in the present revision petition. As such, the same is dismissed.

(KULDIP SINGH)
JUDGE

July 05, 2017

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Whether speaking / reasoned Yes

Whether Reportable: No