

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR No. 1829 of 2017 (O&M)

Date of Decision: 04.07.2017

RAJINDER SINGH

...Petitioner

VS.

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH.

Present: Mr. Amit Khatkar, Advocate,
 for the petitioner.

Mr. R.K. Makkar, DAG, Haryana.

KULDIP SINGH, J. (ORAL)

This is a revision against the judgment dated 20.03.2017, passed by the learned Additional Sessions Judge, Hisar, affirming that of Sub-Divisional Magistrate, Hansi, vide which the petitioner was convicted and sentenced under Sections 279 and 304-A of Indian Penal Code (I.P.C.) to undergo simple imprisonment for three months under Section 279 IPC and to undergo simple imprisonment for one year and to pay fine of ₹ 500/- under Section 304-A of IPC. In default of payment of fine, to further undergo simple imprisonment for 10 days.

I have heard the learned counsel for both the parties and have carefully gone through the case file. It comes out that fine of ₹500/- already stands paid by the petitioner.

The short prayer made in this revision petition is for reduction of the sentence awarded to the petitioner.

The examination of the judgment of the lower Court shows that the present petitioner was driving three-wheeler at a very high speed in a very negligent manner. Deceased-Sooraj Mal was one of the passengers in that three-wheeler and despite being asked to drive the three-wheeler slowly, the petitioner did not lower down the speed and continued to drive rashly and negligently and struck the three-wheeler against bullock cart. As a result of the same, the three wheeler turned turtle resulting injuries to the Sooraj Mal, who succumbed to the injuries on the way to hospital.

After considering the proved facts and circumstances, I am of the view that the petitioner should have driven the three-wheeler at a moderate speed. Admittedly, three-wheeler turned turtle which shows that the said vehicle was not in control of the petitioner. In this case, one person lost his life due to rash and negligent act of the petitioner. Against the maximum sentence of two years, only one year sentence was awarded which cannot be called harsh.

In view of the above, there is no ground for reduction in the sentence of the petitioner, therefore, the present revision petition is dismissed.

July 4, 2017

Suresh Kumar

**(KULDIP SINGH)
JUDGE**

Whether speaking / reasoned :

✓
Yes / No

Whether Reportable :

✓
Yes / No