

101 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.1902 of 2017 (O&M)
Date of decision : September 29, 2017

Devi Lal Petitioner

Versus

The State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Arpandeeep Narula, 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)

Heard.

Vide order dated 04.07.2017, learned counsel for the petitioner restricted his prayer only on the point of quantum of sentence. He was directed to produce the guidelines laid down by the superior courts, where the guidelines for reduction of sentence have been laid down.

In this case, the allegations against the present petitioner are that he drove a tractor rashly and negligently and rammed into a motorcycle, resulting into death of one Devi Lal.

Learned Judicial Magistrate 1st Class, Fatehabad vide judgment of conviction dated 29.03.2014 and order of sentence dated 31.03.2014 sentenced as under:

Sr. No.	Offence	Imprisonment	Fine	In default of payment of fine
1	279 IPC	R.I. for 3 months	--	--
2	304-A IPC	R.I. for 1 year	--	--

Both the sentences were directed to run concurrently.

The appeal against the said judgment and order was dismissed by the learned Sessions Judge, Fatehabad, vide judgment dated 19.04.2017.

Learned counsel for the petitioner has produced the following authorities by Co-ordinate Benches, whereby a lenient view was taken in awarding the sentence:

- 1. Manohar Lal vs State of Punjab 2004(1) R.C.R. (Criminal) 656*
- 2. Vikram Singh vs State of Haryana 2003(3) R.C.R. (Criminal) 192*
- 3. Manmohan Singh vs State of Punjab, 2001(3) R.C.R. (Criminal) 14.*
- 4. Kishan vs State of Haryana, 2010 (1) R.C.R. (Criminal) 776.*
- 5. Ramesh vs State of Haryana, 2007(4) R.C.R. (Criminal) 92.*
- 6. Jagdish @ Pappu vs State of Haryana, 2012(8) R.C.R. (Criminal) 492.*
- 7. Ashok Kumar vs State of Punjab, 2008(1) R.C.R. (Criminal) 481.*

Learned counsel for the petitioner has stated that the petitioner has undergone total sentence of 5 months and 15 days approximately.

After going through the aforesaid judgments, I am of the view that the said judgments are confined to the facts of the said cases only and do not lay down the general law.

With the rising number of accidents, the leniency with the accident cases have changed. A lot of deaths are taking place daily due to rash and negligent driving. Therefore, the time has come where the Court should shed its lenient approach in awarding the sentence in such cases. The Government is already considering amendment to Section 304-A IPC and provide for higher punishment as the punishment already laid down under the law is on the lighter side.

In the present case, against the maximum sentence of rigorous imprisonment for two years, the sentence of rigorous imprisonment for only one year is awarded. No further leniency is called for.

As such, the present petition is dismissed.

(KULDIP SINGH)
JUDGE

September 29, 2017
sarita

Whether speaking / reasoned	Yes
Whether Reportable:	No