

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRR-2277-2017 (O&M)

Date of Decision: 28.08.2017

SUKHWINDER PAL

...Petitioner

VS.

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH.

Present: Mr. Rishu Mahajan, 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.

Original record of the lower Court is perused.

It comes out that the allegation against the present petitioner are that on 26.08.2011, he was driving a Canter Tata 709, bearing Registration No. PB-08-L-9038, near the DAV Flyover, Jalandhar City hit the motor-cycle bearing Registration No. PB-08-AG-3593 of one Sohan Lal (Since deceased) from the side of the said Canter. As a result of the accident, Sohan Lal was injured and died on the way to the Hospital. Ram Lal, brother of Sohan Lal, who was following him on another motor cycle, witnessed the accident. The Canter and its driver were produced before the Police by the complainant at the time of making statement to the Police.

The perusal of record of lower Court shows that there is no doubt regarding identity of the driver and the Canter involved in the said accident. The place of accident is very busy place of Jalandhar City i.e. near DAV Flyover and in the busy place, the driver of the Canter was supposed to be more careful. The Canter could not properly appreciate the motor cycle and

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side of the Canter hit the motorcycle which itself amount to rash and negligent act on his part.

There are concurrent findings of the two Courts below.

It being so, there is no infirmity and illegality in the findings recorded by the both the Courts below.

Faced with these circumstances, learned counsel for the petitioner has pressed the present revision petition for showing leniency in the sentence awarded to the petitioner.

The petitioner has been sentenced rigorous imprisonment for one year under Section 304-A IPC against maximum sentence of rigorous imprisonment for two years permissible under the said Section.

I am of the view that there is no ground to show any leniency in the sentence awarded to the petitioner, considering the fact that due to the motor vehicular accidents, large number of deaths are taking place. Consequently, the present petition stands dismissed.

August 28, 2017

Suresh Kumar

**[KULDIP SINGH]
JUDGE**

<i>Whether speaking / reasoned</i>	:	Yes	/	No
				✓
<i>Whether Reportable</i>	:	Yes	/	No