

Both the sentences were directed to run concurrently. The learned Additional Sessions Judge, Rupnagar, while dismissing the appeal, reduced the sentence of RI for one year to RI for nine months, under Section 304-A IPC.

CRR No. 2790 of 2017 (O/M)

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

In this case, the truck number was mentioned in the FIR. The truck bearing registration number HP-23B-8657 being driven by revisionist hit a cyclist from behind near the market of Kurali town and fled away. The present revisionist is admittedly owner of the said truck. It is not his stand during statement recorded under Section 313 Cr.P.C. that he had lent the truck to somebody else.

The learned counsel for revisionist contends that mere high speed of truck does not mean that the truck was driven rashly and negligently.

The place of accident is a market place. The cycle was being driven by an old man and was going ahead of truck. It appears that truck while passing the cyclist failed to properly appreciate the available space, as a result of which the side of truck hit the cyclist and the old man fell down on the road and died. From the facts, it is clear rash and negligent driving in the market. The truck driver was supposed to be more careful. Therefore, there is no illegality or infirmity in the judgments of both the Courts below. The sentence passed by both the Courts below is already on the lower side. There is no ground to reduce the same. Hence, revision is dismissed.

(KULDIP SINGH)
JUDGE

18.8.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No