

As per the facts of the case, the accident took place in the market. The revisionist was driving a tanker, bearing registration No. HR-38-H-7061, which is a heavy vehicle. The motorcycle being driven by complainant was hit from behind, as a result of which, his wife Parvati, who was riding the pillion, died. The fact that the motorcycle was hit from behind itself goes to show that the tanker failed to maintain safe distance from motorcycle and failed to control its speed and hit the motorcycle. This itself indicates that the tanker was being driven rashly and negligently.

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When the revisionist was driving the tanker in the busy market, he was supposed to be more careful. The finding of facts have been recorded by both the Courts below.

The learned counsel for revisionist has offered that the revisionist is ready to pay more compensation.

However, I am of the view that offence under Section 304-A IPC is not compoundable, therefore, no interference in the judgments of both the Courts is warranted. Hence, revision is dismissed.

(KULDIP SINGH)
JUDGE

24.8.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No