

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

**CRR No.3043 of 2017 (O&M)
Date of decision : September 29, 2017**

Leela Ram

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Rajneesh Chadwal, 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)

The original lower court record received and perused.

The allegations against the petitioner are that on 01.11.2010 at about 7 p.m., when it was dark, he parked his dumper bearing registration No.HR-61A-2340 on the road without any indicator or lights. A motorcycle bearing registration No.HR-26AY-7819 being driven by Baba Laxman Giri, hit the parked dumper, as a result of which Baba Laxman Giri died . The learned Judicial Magistrate 1st Class, Mahendergarh convicted the petitioner for the commission of offence punishable under Section 283 and 304-A IPC vide judgment dated 09.06.2015 and sentenced to undergo simple imprisonment for one year under Section 304-A IPC and to pay a fine of ₹200/- under Section 283 IPC vide order of sentence dated 10.06.2015. In the appeal, the learned Sessions Judge, Narnaul, modified the sentence of simple imprisonment for one year to rigorous imprisonment for six months for the commission of offence punishable under Section 304-A IPC. However, the fine was maintained.

I have heard learned counsel for the parties and have also carefully gone through the record.

From the statement of Veer Parkash as well as photographs and some documents placed on file including site plan, it comes out that dumper was parked on the road. There was no indicator on the dumper. Therefore, the motorcyclist-deceased could not see the dumper in the dark, due to which the accident took place, resulting injuries on his head, which proved fatal. The act of the petitioner in parking the dumper on the main road without any indicator or light is a rash and negligent act. Therefore, there is no illegality or infirmity in the findings recorded by two courts below. The first appellate court has already taken a lenient view by reducing the sentence of simple imprisonment for 1 year to rigorous imprisonment for 6 months. No further leniency is possible.

As such, the present petition is dismissed.

(KULDIP SINGH)
JUDGE

September 29, 2017

sarita

Whether speaking / reasoned Yes

Whether Reportable: No