

105 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.3054 of 2017 (O&M)
Date of decision : September 29, 2017

Sonu Petitioner

Versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Robin Singh Hooda, 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)

Petitioner was convicted and sentenced by the learned Judicial Magistrate 1st Class, Gohana, vide judgment of conviction dated 19.12.2014 and order of sentence dated 22.12.2014 as under:

<i>Sr. No.</i>	<i>Offence</i>	<i>Imprisonment</i>	<i>Fine</i>	<i>In default of payment of fine</i>
1	279 IPC	R.I. for 6 months	Rs.1,000/-	R.I. for 2 months
2	304-A IPC	R.I. for 2 years	Rs.1,000/-	R.I. for 3 months

Both the sentences were directed to run concurrently.

In the appeal, learned Sessions Judge, Sonapat while maintaining the fine and sentence awarded under Section 279 IPC, reduced the sentence under Section 304-A IPC from rigorous imprisonment for 2 years to rigorous imprisonment for 1 year.

Heard.

Lower court record received and perused.

A perusal of the lower court record shows that when complainant Ajit Singh along with other five persons riding in a Maruti 800 car bearing registration No.DL-2CG-8230 were going to Gohana, a TATA

709 bearing registration No.HR-46-1594, which was apparently coming from Gohana side, hit the said car from driver side. As a result of which, one occupant, namely, Gurmeet died at the spot and other occupants received injuries.

A perusal of the site plan shows that the car was at its extreme left side while going towards Gohana and the offending vehicle TATA-709 was lying parked after the accident on its extreme right side coming from Gohana, which goes to show that the offending vehicle TATA-709 was coming on the wrong side and hit the car. The photographs also indicate that the driver side of the car was hit partly and TATA-709 scratch passed the car causing injuries to the occupants sitting on the right side of the car. It also goes to show that the driver of TATA-709 was not on his correct side and hit the car. The complainant as well as another witness Happy have stated that their car was hit from the driver side. If their statement is read with the photographs and the site plan prepared by the Investigating Officer, it has to be held that the accused-petitioner was driving TATA-709 rashly and negligently. The vehicle was overloaded as a result of which it caused accident. There is no illegality or infirmity in the findings recorded by both the Courts below.

Faced with this situation, learned counsel for the petitioner has prayed for showing leniency in the sentence awarded to the petitioner by both the courts below.

I am of the view that the first appellate court by reducing the sentence of rigorous imprisonment for 2 years to rigorous imprisonment for 1 year awarded to the petitioner under Section 304-A IPC has already taken a lenient view in the matter.

Considering the facts and circumstances of the case, no further leniency is possible.

As such, the present revision petition is dismissed.

(KULDIP SINGH)
JUDGE

September 29, 2017
sarita

Whether speaking / reasoned	Yes
Whether Reportable:	No