

I have gone through the site plan and report of the mechanic. The perusal of report of mechanic reveals that it was a head on collision indicating that the offending motorcycle was at a high speed. The site plan shows that while coming from Sunam towards Jakhepal, the motorcycle of deceased Satgur Singh was on the left hand of the road, whereas revisionist who was coming from opposite side, should have been on his left side. The

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site plan indicates that revisionist veered to right side and hit the motorcycle coming from the opposite direction. The place of accident is a little curve. It is apparent that revisionist, who was coming from opposite side, was driving the motorcycle at a high speed and could not negotiate the curve. There is no illegality or infirmity in the concurrent findings of facts recorded by two Courts below.

The learned counsel for revisionist has prayed for showing leniency in the sentence on the ground that both the kidneys of revisionist have failed and that he is also HCV positive and there is prostrate failure also.

I am of the view that the medical condition of revisionist was taken into consideration by the lower appellate Court to reduce his sentence awarded to revisionist under Section 304-A IPC from one year to six months. No further concession is possible. It being so, there are no merits in present revision and the same is accordingly dismissed. However, revisionist is at liberty to move the jail authorities for seeking parole on medical ground and if such application is moved, the same shall be decided expeditiously on merits by the jail authorities. Needless to say that the jail authorities shall ensure that in the meanwhile, proper treatment is provided to revisionist in jail/from the nearby hospital.

(KULDIP SINGH)
JUDGE

14.9.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No