

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No. 54 of 2017

Date of Decision: 18.04.2017

Ram Sarup

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Shashi Kumar Rattan, Advocate
for the petitioner.

Mr. Ashish Sanghi, DAG, Punjab.

SURINDER GUPTA, J.

This is revision petition against order dated 16.11.2016 passed by Additional Sessions Judge, Rupnagar whereby conviction of the petitioner for offences punishable under Sections 279 and 304-A of Indian Penal Code (for short 'IPC') as recorded by the trial Court was upheld but sentence awarded to the petitioner for offence punishable under Section 304-A IPC was reduced from rigorous imprisonment for two years to rigorous imprisonment for one year. However, amount of fine of ₹5000/- and the sentence imposed for offence punishable under Section 279 IPC were upheld.

Learned counsel for the petitioner has not challenged the conviction of petitioner on merit but has confined his submissions for taking lenient view regarding quantum of sentence on the ground that petitioner is first offender and has faced trial for more than nine years. He is suffering from renal colic disease and is the only breadwinner of his family which comprises his mother, father, wife and children.

The petitioner was driver of tipper bearing registration no. HR-55A-2353, which hit and crushed Mohinder Singh, who was going on cycle. He was identified at the spot by the complainant and the tipper was taken into possession by the police from the spot of accident. The complainant has alleged that petitioner after the accident had ran away from the spot and was arrested by the police a day after the accident.

Negligence of the petitioner was duly proved. The trial Court had awarded sentence of rigorous imprisonment for two years for offence punishable under Section 304-A IPC, which has already been reduced by the Ist Appellate Court to rigorous imprisonment for one year. It has been found that despite all safety precautions taken by the Government, roads are turning into deathtrap because of rash and negligent driving of vehicles by some of the drivers. By their act and conduct such drivers not only put their lives to risk but also convert roads into a deathtrap for the persons who follow rules.

On perusal of judgments of trial Court and Ist Appellate Court, I find that sentence awarded to the petitioner by Ist Appellate Court calls for no interference. Ist Appellate Court has already taken a lenient view by reducing the sentence of rigorous imprisonment from two years to one year and no further reduction in substantive sentence is called for in the facts and circumstances of the case.

This revision petition has no merit and the same is dismissed.

(SURINDER GUPTA)
JUDGE

April 18, 2017
jk

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No