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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRR No.2907 of 2017 (O&M)
Date of Decision: 01.03.2018**

Krishan Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Karan Vir Singh, Advocate,
for the petitioner.

Mr. Luvinder Sofat, A.A.G., Punjab.

SUDIP AHLUWALIA, J. (ORAL)

Heard both sides.

[2]. Perused the Lower Court Record.

[3]. The petitioner was convicted of the offences under Sections 279/304-A of the Indian Penal Code, for having caused death of the victim Malkiat Singh, who was apparently one of the fifteen to seventeen passengers sitting in the trolley being driven by the complainant Jasdev Singh on 02.03.2010.

[4]. From the available evidence on record, more particularly the Site Map of the place of occurrence (Exhibit PB), it becomes clear that the collision took place on the Devigarh-Patiala Road when the truck being

driven by the petitioner was on somewhat wrong side of the road. As such, he cannot escape his culpable liability in the matter. It, however, has also transpired from the document Exhibit PB that the complainant-driver Jasdev Singh himself was not holding a valid driving licence at the relevant time. Furthermore, undoubtedly the idea behind attaching a trolley to a tractor for the purpose of agricultural activities and carrying of passengers in the same is not authorised under the Motor Vehicles Act.

[5]. In the present case as many as fifteen to seventeen persons had boarded the trolley since they are stated to have been returning from Sri Anandpur Sahib on the festival day. In such situation, when one of those several unauthorised occupiers of the trolley unfortunately met his death in the accident, the over all circumstances would be somewhat mitigating in the petitioner/convict, for if the trolley had been used for the legitimate purpose which was meant for it, the question of anyone getting killed or even injured in the first place would not have arisen.

[6]. In this view of the matter, this Court is of the opinion that the sentence awarded to the petitioner which is the maximum permissible under law for the offence under Section 304-A of the Indian Penal Code is on the harder side.

[7]. This revisional petition is, therefore, disposed off with a direction that while conviction of the petitioner for the offences under Sections 279/304-A of the Indian Penal Code is sustained, but the punishment awarded to him for the offence under Section 304-A of the Indian Penal Code is reduced from two years to one year. All other sentences shall remain intact. The petitioner is directed to surrender before

the Ld. Trial Court within a fortnight from date, failing which, coercive action shall be taken against him.

01.03.2018

Apurva

**(SUDIP AHLUWALIA)
JUDGE**

- 1. Whether speaking/ reasoned : Yes/ No
- 2. Whether reportable : Yes/ No