

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No. 4839 of 2017 (O&M)
Date of Decision: 30.08.2018

Jasbir ...Petitioner

VERSUS

State of Haryana ...Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. A.S. Dhindsa, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

SURINDER GUPTA, J.

This is revision against judgments of Courts below whereby petitioner has been convicted and sentenced as follows:-

<i>Offence under Section</i>	<i>Punishment</i>
304-A IPC	To undergo rigorous imprisonment for two years and to pay fine of ₹2000/- and in default of payment of fine, to further undergo rigorous imprisonment for two months.
279 IPC	To undergo rigorous imprisonment for four months and to pay fine of ₹500/-.

2. Learned counsel for the petitioner has not challenged the conviction of petitioner on merit and has requested for taking a lenient view qua quantum of sentence on the grounds that petitioner is first convict. He is sole breadwinner of the family having two children and old parents to look after. Learned counsel for the petitioner has submitted that petitioner has undergone about 01 year of sentence including the period of remissions earned by him and has suffered for the offence committed by him, as such, period of sentence awarded to him may be reduced to the period already undergone by him.

3. Learned State counsel has argued that a young child got killed due to rash and negligent driving of petitioner. He was dropped from school bus, which was being driven by petitioner and when child was crossing the road he got crushed under the bus.

4. Admittedly, the petitioner was driver of school bus in which deceased travelled from school to his house. On reaching his house, he was dropped there. The petitioner started bus and the deceased, who was crossing the road, got crushed under the bus. It is a sad and tragic incident and negligence on the part of petitioner is also there. But one fact is to be kept in mind that this incident had not taken place on the highway due to rash and negligent driving of the petitioner. It appears that the child instead of waiting for departure of the bus or for going to the house from backside of the bus, tried to cross the road from front side of the bus and got crushed.

5. Keeping in view above facts and that the petitioner is not a previous convict and is sole breadwinner of the family, I find merit in contentions of learned counsel for the petitioner and take a lenient view regarding the quantum of sentence awarded to him for offence punishable under Section 304-A IPC. His sentence is reduced from rigorous imprisonment for two years to rigorous imprisonment for 18 months without any remissions. The other sentence including the sentence of fine as awarded to the petitioner shall remain intact.

6. Instant revision is disposed of in above terms.

August 30, 2018

jk

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No