

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-2333-2010

Date of Decision: 06.09.2019

Major Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Petitioner (Major Singh) in person,
with ASI Rakesh Kumar, P.S. Kumbhkala, Distt. Ldh.

Mr. H.S. Sullar, DAG, Punjab.

Harnaresh Singh Gill, J.

The petitioner was tried for committing the offence under Section 304-A IPC. Vide judgment and order dated 6.7.2005, learned Judicial Magistrate, Ist Class, Phagwara, found the petitioner guilty for the offence under Section 304-A IPC and sentenced him to undergo RI for 1-1/2 years each, qua deceased Narinder Singh and deceased Amandeep Singh, and to pay a fine of Rs.500/- and, in default of payment of the fine, to further undergo imprisonment for 15 days,

Aggrieved there-against, the petitioner filed an appeal before the learned Sessions Judge, Kapurthala. Vide judgment dated 29.07.2010, the learned Additional Sessions Judge Kapurthala, while upholding the conviction of the petitioner under Section 304-A IPC, reduced the sentence imposed upon the accused-petitioner from 1-1/2 years to 1 year each for the death of Narinder Singh and Amandeep Singh.

Still aggrieved, the petitioner has preferred the present revision petition.

As per the prosecution, FIR in this case was registered on 12.06.2000 on the statement made by one Lakhwinder Singh, Sarpanch (complainant), alleging therein that the accused-petitioner, as a driver of Punjab Roadways Bus bearing No. PB-12C-9189, while driving the said bus in a rash and negligent manner had caused death of two motorcycle borne persons, namely, Amandeep Singh and Narinder Singh. The motorcycle had also got damaged in the incident. The accused was arrested. Statements of the witnesses were recorded. After completion of the investigation, challan was presented in the Court.

Charge under Section 304-A IPC was framed against the accused-petitioner, to which he pleaded not guilty and claimed trial.

The prosecution in order to prove its case, had examined 8 witnesses, including PW1-Lakhiwnder Singh. In his statement under Section 313 Cr.P.C., the petitioner was confronted with the incriminating evidence, but he denied the same and pleaded false implication. In defence, the accused did not examine any evidence.

On the basis of the evidence led, it stood proved before the learned trial Court that on account of the rash and negligent driving of the petitioner, two persons, namely, Narinder Singh and Amandeep Singh, had lost their lives, when the motorcycle they were riding on, was hit by the offending bus.

Consequently, as noticed above, the petitioner was convicted under Sections 304-A IPC and sentenced accordingly. The said finding was upheld by the learned appellate Court in the appeal filed by the petitioner, but with modification in the sentence part.

In normal circumstances, in view of the finding recorded by the Courts below that on account of the rash and negligent driving of the petitioner, two persons, had lost their lives, this Court, ought not to have interfered with the finding, especially further so that the undergone period of actual sentence by the petitioner is merely 1 month and 26 days. But, this is a peculiar case, because the petitioner, whose presence had been secured through Police, is stated to be 67 years old. He is physically very weak and cannot even properly walk, speak and understand the queries put to him. He pleads that he is a very poor person and the sentence imposed upon him may be reduced to the period already undergone and that with all resources at his end, he is ready to pay compensation of Rs.10,000/- to the legal heirs of the deceased.

Taking into consideration the said mitigating circumstances, the learned State Counsel, who though defends the judgments and order passed by the Courts below, does not object to the prayer made by the petitioner.

Keeping in view the fact that the petitioner is too old to walk and further taking into consideration that the occurrence in this case had occurred in the year 2000 and the petitioner has been facing the agony of trial for the last more

than 19 years, no useful purpose will be served by sending the petitioner behind the bars once again to undergo the remaining sentence.

In view of the above, while upholding the conviction of the petitioner as recorded by the Courts below, his substantive sentence is reduced to the period already undergone by him. However, the petitioner is directed to pay an amount of Rs.10,000/- as a fine. The said amount shall be treated as compensation to be paid to the legal heirs of the deceased in equal share i.e. Rs.5,000/-. The said amount shall be deposited by the petitioner before the Chief Judicial Magistrate, Kapurthala, within a period of two months from today. Upon deposit of the said amount, the same shall be paid to the legal heirs of the deceased in equal proportion.

Disposed of in the above terms.

(HARNARESH SINGH GILL)
JUDGE

06.09.2019
ds

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No