IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. Revision No. 81 of 2016

Reserved on: 5.3.2026

Date of Decision: 01.4.2026.

Guru Dev ...Petitioner

Versus

State of HP ...Respondent

Coram

Hon'ble Mr Justice Rakesh Kainthla, Judge.

Whether approved for reporting?[1] ***No.***

For the Petitioner	:	Mr N.K. Thakur, Senior Advocate, with Mr Divya Raj Singh, Advocate.
For the Respondent/State	:	Mr Ajit Sharma, Deputy Advocate General.

Rakesh Kainthla, Judge

The present revision is directed against the judgment dated 29.2.2026, passed by learned Sessions Judge, Mandi, District Mandi, HP (learned Appellate Court), vide which the judgment of conviction dated 6.12.2014 and order of sentence dated 8.12.2014, passed by learned Chief Judicial Magistrate, Mandi, District Mandi, HP, were upheld. (*Parties shall hereinafter*

[1] Whether reporters of Local Papers may be allowed to see the judgment? Yes.

be referred to in the same manner as they were arrayed before the learned Trial Court for convenience.)

2. Briefly stated, the facts giving rise to the present petition are that the police presented a challan against the accused before the learned Trial Court for the commission of offences punishable under Sections 279, 337 and 304A of the Indian Penal Code (IPC). It was asserted that Suman Kumar (PW8) was going towards Beat No. 2 on 13.6.2010, at about 9.20 AM. A truck bearing registration No. HP-72-1603 came from Mandi at a high speed and hit the motorcycle bearing registration No. HP-31A-2360, which was moving ahead of the truck. The motorcycle was dragged for a distance of 80 mtrs. The driver stopped the truck at some distance and ran away from the spot. The accident occurred due to the high speed and negligence of the truck driver. An intimation was given to the police. An entry No. 13A was recorded in the Police Station. HC Jagdish Chand (PW3), HHC Milkhi Ram (PW5) and ASI Satish (PW4) were sent for verification. ASI Satish Kumar (PW4) recorded the statement of Suman Kumar (Ex.PW4/A) and sent it to the Police Station, where FIR (Ex.PW4/B) was registered. He took the photographs (Ex. P1 to Ex. P6) and prepared the site

plan (Ex. PW4/C). Bharti Sharma, the pillion rider, had died in the accident. ASI Satish Kumar conducted the inquest on her dead body and prepared the report (Ex.PW4/D). Dr Nag Raj (PW6) conducted her postmortem examination and found that the cause of death was a burst abdomen and crush injuries to the gut and spleen, leading to multiple lacerations to these organs. He issued a report (Ex.PW6/A). The truck bearing registration No. HP-72-1603 and motorcycle bearing registration No. HP-31A-2360 were seized vide memos (Ex.PW3/A and Ex.PW1/A). HC Devkinandan (PW2) conducted the mechanical examination of the vehicles and found that there was no defect in them that could have led to the accident. He issued a report (Ex.PW2/A). Statements of witnesses were recorded as per their version, and after the completion of the investigation, a challan was prepared and presented before the learned Trial Court.

3. Learned Trial Court found sufficient reasons to summon the accused. When the accused appeared, a notice of accusation was put to him for the commission of offences punishable under Sections 279 and 304A of the IPC, to which he pleaded not guilty and claimed to be tried.

4. The prosecution examined eight witnesses to prove its case. Narinder Kumar (PW1) was driving the motorcycle. HC Devkinandan (PW2) conducted the mechanical examination of the vehicle. HC Jagdish Chand (PW3) witnessed the recovery. ASI Satish Kumar (PW4) investigated the matter. HHC Milkhi Ram (PW5) carried the rukka to the Police Station. Dr Nag Raj (PW6) conducted the postmortem examination of Bharti Sharma. Inspector Bahadur Singh (PW7) prepared the challan. HC Suman Kumar (PW8) is an eyewitness and the informant.

5. The accused, in his statement recorded under Section 313 of Cr.P.C., denied the prosecution's case in its entirety. He stated that the documents were taken into possession at Dharamkanta at Dadour. A false case was registered against him. The statement of Gurnam Singh (DW1) was recorded in defence.

6. Learned Trial Court held that the statements of Narinder Kumar (PW1) and Suman Kumar (PW8) corroborated each other. The statement of Gurnam Singh (DW1) was not sufficient to discard the prosecution's case. It was duly proved on record that the accused was negligently driving the vehicle, which led to the accident, causing the death of Bharti Sharma.

Hence, the learned Trial Court convicted and sentenced the accused as under: -

Under Section 279 of the IPC	To suffer simple imprisonment for three months, pay a fine of ₹1,000/-, and in default of payment of the fine, to undergo simple imprisonment for one month.
Under Section 304-A of the IPC	To suffer simple imprisonment for one year, pay a fine of ₹5,000/-, and in default of payment of the fine, to undergo simple imprisonment for two months.
Both the substantive sentences of imprisonment were ordered to run concurrently.	

7. Being aggrieved by the judgment and order passed by the learned Trial Court, the accused filed an appeal, which was decided by the learned Sessions Judge, Mandi (learned Appellate Court). Learned Appellate Court concurred with the findings recorded by the learned Trial Court that the statements of Narinder Kumar (PW1) and Suman Kumar (PW8) corroborated each other. The medical evidence showed that Bharti had died due to the crush injuries to the gut, liver, and spleen, which could have been caused in a motor vehicle accident. There was

no infirmity in the judgment and order passed by the learned Trial Court. Hence, the appeal was dismissed.

8. Being aggrieved by the judgments and order passed by the learned Courts below, the accused has filed the present revision, asserting that the learned Courts below erred in appreciating the evidence on record. Narinder Kumar (PW1) was the husband of the deceased, and he was interested in the success of the prosecution. No independent witness was examined by the prosecution. The defence witness proved that the truck was seized at 3.00 PM when it was parked on a Dharamkanta at Dadaur. The statement of the defence witness to this effect was wrongly rejected. Therefore, it was prayed that the present revision be allowed and the judgments and order passed by the learned Courts below be set aside.

9. I have heard Mr N.K. Thakur, learned Senior Counsel, assisted by Mr Divya Raj Singh, learned counsel for the petitioner/accused, and Mr Ajit Sharma, learned Deputy Advocate General for the respondent/State.

10. Mr N.K. Thakur, learned Senior Counsel for the petitioner/accused, submitted that the learned Courts below

erred in appreciating the material on record. The photographs and the injuries do not show that the motorcycle was dragged for some distance, as alleged by the prosecution. The possibility of the motorcycle skidding and the deceased suffering injuries from a fall cannot be ruled out. No negligence was shown in the present case, and the mere use of high speed is not sufficient to infer negligence. Hence, he prayed that the present revision be allowed and the judgments and order passed by the learned Courts below be set-aside.

11. Mr Ajit Sharma, learned Deputy Advocate General for the respondent/State, submitted that the statements of prosecution witnesses corroborated each other. The medical evidence also showed that a crushed injury was caused, which falsifies the defence version that the injury was caused by way of skidding. Both the learned Courts below had rightly appreciated the evidence on record, and there is no infirmity in the judgments and order passed by the learned Courts below. Hence, he prayed that the present revision be dismissed.

12. I have given considerable thought to the submissions made at the bar and have gone through the records carefully.

13. It was laid down by the Hon'ble Supreme Court in ***Malkeet Singh Gill v. State of Chhattisgarh*, *(2022) 8 SCC 204: (2022) 3 SCC (Cri) 348: 2022 SCC OnLine SC 786*** that a revisional court is not an appellate court and it can only rectify the patent defect, errors of jurisdiction or the law. It was observed at page 207: -

> "**10.** Before adverting to the merits of the contentions, at the outset, it is apt to mention that there are concurrent findings of conviction arrived at by two courts after a detailed appreciation of the material and evidence brought on record. The High Court in criminal revision against conviction is not supposed to exercise the jurisdiction like the appellate court, and the scope of interference in revision is extremely narrow. Section 397 of the Criminal Procedure Code (in short "CrPC") vests jurisdiction to satisfy itself or himself as to the correctness, legality or propriety of any finding, sentence or order, recorded or passed, and as to the regularity of any proceedings of such inferior court. The object of the provision is to set right a patent defect or an error of jurisdiction or law. There has to be a well-founded error that is to be determined on the merits of individual cases. It is also well settled that while considering the same, the Revisional Court does not dwell at length upon the facts and evidence of the case to reverse those findings.

14. This position was reiterated in ***State of Gujarat v. Dilipsinh Kishorsinh Rao, (2023) 17 SCC 688: 2023 SCC OnLine SC 1294,*** wherein it was observed at page 695:

> "**14.** The power and jurisdiction of the Higher Court under Section 397 CrPC, which vests the court with the power to

call for and examine records of an inferior court, is for the purposes of satisfying itself as to the legality and regularities of any proceeding or order made in a case. The object of this provision is to set right a patent defect or an error of jurisdiction or law or the perversity which has crept in such proceedings.

15. It would be apposite to refer to the judgment of this Court in ***Amit Kapoor v. Ramesh Chander, (2012) 9 SCC 460: (2012) 4 SCC (Civ) 687: (2013) 1 SCC (Cri) 986***, where scope of Section 397 has been considered and succinctly explained as under: (SCC p. 475, paras 12-13)

> "*12.* Section 397 of the Code vests the court with the power to call for and examine the records of an inferior court for the purposes of satisfying itself as to the legality and regularity of any proceedings or order made in a case. The object of this provision is to set right a patent defect or an error of jurisdiction or law. There has to be a well-founded error, and it may not be appropriate for the court to scrutinise the orders, which, upon the face of it, bear a token of careful consideration and appear to be in accordance with law. If one looks into the various judgments of this Court, it emerges that the revisional jurisdiction can be invoked where the decisions under challenge are grossly erroneous, there is no compliance with the provisions of law, the finding recorded is based on no evidence, material evidence is ignored, or judicial discretion is exercised arbitrarily or perversely. These are not exhaustive classes, but are merely indicative. Each case would have to be determined on its own merits.
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> *13.* Another well-accepted norm is that the revisional jurisdiction of the higher court is a very limited one and cannot be exercised in a routine manner. One of the inbuilt restrictions is that it should not be against an interim or interlocutory order. The Court has to keep in mind that the exercise of revisional jurisdiction itself should not

> lead to injustice ex facie. Where the Court is dealing with the question as to whether the charge has been framed properly and in accordance with law in a given case, it may be reluctant to interfere in the exercise of its revisional jurisdiction unless the case substantially falls within the categories aforestated. Even the framing of the charge is a much-advanced stage in the proceedings under CrPC."

15. It was held in ***Kishan Rao v. Shankargouda*, (2018) 8 SCC 165:** *(2018) 3 SCC (Cri) 544: (2018) 4 SCC (Civ) 37: 2018 SCC OnLine SC 651* that it is impermissible for the High Court to reappreciate the evidence and come to its conclusions in the absence of any perversity. It was observed at page 169:

> "**12.** This Court has time and again examined the scope of Sections 397/401 CrPC and the grounds for exercising the revisional jurisdiction by the High Court. In ***State of Kerala v. Puttumana Illath Jathavedan Namboodiri*, *(1999) 2 SCC 452: 1999 SCC (Cri) 275***, while considering the scope of the revisional jurisdiction of the High Court, this Court has laid down the following: (SCC pp. 454-55, para 5)
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> > *5.* ... In its revisional jurisdiction, the High Court can call for and examine the record of any proceedings to satisfy itself as to the correctness, legality or propriety of any finding, sentence or order. In other words, the jurisdiction is one of supervisory jurisdiction exercised by the High Court for correcting a miscarriage of justice. But the said revisional power cannot be equated with the power of an appellate court, nor can it be treated even as a second appellate jurisdiction. Ordinarily, therefore, it would not be appropriate for the High Court to reappreciate the evidence and come to its conclusion on the same when the evidence has

> already been appreciated by the Magistrate as well as the Sessions Judge in appeal, unless any glaring feature is brought to the notice of the High Court which would otherwise tantamount to a gross miscarriage of justice. On scrutinising the impugned judgment of the High Court from the aforesaid standpoint, we have no hesitation in concluding that the High Court exceeded its jurisdiction in interfering with the conviction of the respondent by reappreciating the oral evidence. ..."

13. Another judgment which has also been referred to and relied on by the High Court is the judgment of this Court in ***Sanjaysinh Ramrao Chavan v. Dattatray Gulabrao Phalke, (2015) 3 SCC 123: (2015) 2 SCC (Cri) 19]***. This Court held that the High Court, in the exercise of revisional jurisdiction, shall not interfere with the order of the Magistrate unless it is perverse or wholly unreasonable or there is non-consideration of any relevant material, the order cannot be set aside merely on the ground that another view is possible. The following has been laid down in para 14: (SCC p. 135)

> "*14*. ... Unless the order passed by the Magistrate is perverse or the view taken by the court is wholly unreasonable or there is non-consideration of any relevant material or there is palpable misreading of records, the Revisional Court is not justified in setting aside the order, merely because another view is possible. The Revisional Court is not meant to act as an appellate court. The whole purpose of the revisional jurisdiction is to preserve the power in the court to do justice in accordance with the principles of criminal jurisprudence. The revisional power of the court under Sections 397 to 401 CrPC is not to be equated with that of an appeal. Unless the finding of the court, whose decision is sought to be revised, is shown to be perverse or untenable in law or is grossly erroneous or glaringly unreasonable or where the decision is based on no material or where the material facts are wholly

> ignored or where the judicial discretion is exercised arbitrarily or capriciously, the courts may not interfere with the decision in exercise of their revisional jurisdiction."

16. This position was reiterated in ***Bir Singh v. Mukesh Kumar*, *(2019) 4 SCC 197: (2019) 2 SCC (Cri) 40: (2019) 2 SCC (Civ) 309: 2019 SCC OnLine SC 13,*** wherein it was observed at page 205:

> "**16.** It is well settled that in the exercise of revisional jurisdiction under Section 482 of the Criminal Procedure Code, the High Court does not, in the absence of perversity, upset concurrent factual findings. It is not for the Revisional Court to re-analyse and re-interpret the evidence on record.
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> **17.** As held by this Court in ***Southern Sales & Services v. Sauermilch Design and Handels GmbH, (2008) 14 SCC 457***, it is a well-established principle of law that the Revisional Court will not interfere even if a wrong order is passed by a court having jurisdiction, in the absence of a jurisdictional error. The answer to the first question is, therefore, in the negative."

17. This position was reiterated in ***Sanjabij Tari v. Kishore S. Borcar, 2025 SCC OnLine SC 2069,*** wherein it was observed:

> "**27.** It is well settled that in exercise of revisional jurisdiction, the High Court does not, in the absence of perversity, upset concurrent factual findings [See: ***Bir Singh*** (supra)]. This Court is of the view that it is not for the Revisional Court to re-analyse and re-interpret the evidence on record. As held by this Court in ***Southern Sales & Services v. Sauermilch Design and Handels GMBH, (2008) 14 SCC 457***, it is a well-established principle of law that the Revisional Court will not interfere, even if a wrong order is passed by a Court having jurisdiction, in the absence of a jurisdictional error.

> **28.** Consequently, this Court is of the view that in the absence of perversity, it was not open to the High Court in the present case, in revisional jurisdiction, to upset the concurrent findings of the Trial Court and the Sessions Court."

18. The present revision has to be decided as per the parameters laid down by the Hon'ble Supreme Court.

19. Gurnam Singh (DW1) stated that he was a driver along with the petitioner in the vehicle bearing registration No. HP-72-1603. He specifically stated in his cross-examination that the accused was driving the vehicle on the date of the incident. Thus, the defence evidence has not disputed the fact that the accused was driving the truck on the relevant day.

20. Narinder Kumar (PW1) stated that he and his wife were riding a motorcycle bearing registration No. HP-31A-2360. A truck bearing registration No. HP-72-1603 came from Mandi and hit the motorcycle. The motorcycle fell. He fell on the unmetalled road, while his wife fell on the metalled road. The truck crushed his wife, and she succumbed to the injuries. The accident occurred due to the negligence of the accused. He denied that the dupatta of his wife was caught in the motorcycle, and she fell. He denied that he was crushed by a car. He could not tell the speed; however, the truck was being driven at a high

speed. He had not seen the driver of the truck on the spot. He admitted that there were shops near the place of the accident.

21. HC Suman Kumar (PW8) stated that he was going towards Beat No.2 on 13.6.2010. He saw a truck bearing registration No HP-72-1603 being driven at a high speed, going towards Sundernagar. One motorcycle bearing registration No. HP-31A-2360 was moving ahead of the truck. One woman was sitting as a pillion rider. The truck hit the motorcycle. The woman fell on the road, and the truck dragged her for a distance of about 80 mtrs. She succumbed to her injuries. He stated in his cross-examination that no entry was recorded regarding his traffic duty. He admitted that there were many shops near the place of the accident. He denied that he was at some distance. He denied that the accident had not occurred with the truck.

22. The statements of these witnesses corroborated each other. Nothing was suggested in their cross-examination that they had any motive to falsely depose against the accused. Learned Courts below had rightly held that there was nothing in their cross-examination to prove that they were making false statements. The testimony of Narinder Kumar (PW1) cannot be

rejected simply because he happened to be the husband of the deceased. He was riding the motorcycle and was a natural witness, and the learned Courts below had rightly placed reliance on their testimonies.

23. The statements of these witnesses are corroborated by the postmortem report, in which the cause of death was found to be a burst abdomen and crush injury to the gut and spleen, leading to multiple lacerations. This report clearly shows that the deceased was crushed under the tyres of the vehicle. This falsifies the defence version that the dupatta of the deceased was trapped in the motorcycle, which led to the accident. Therefore, the learned Courts below had rightly relied upon the prosecution’s evidence and rejected the statement of the defence witness.

24. It was submitted that the seizure memo of the truck was prepared in the Police Station as per the statement of Jagdish Chand (PW3), which falsifies the prosecution's version that the truck was seized on the spot. This submission will not help the petitioner. The truck was seized along with the document (Ex.PW3/A), which was produced by petitioner

Gurdev. Since the petitioner had left the spot, the truck could not have been seized on the spot, that too along with the documents. Therefore, the seizure of the truck along with the documents in the Police Station will not make the prosecution case suspect.

25. The statements of the prosecution's witnesses proved that the truck had hit the motorcycle from the rear. Rule 23 reads that the driver of the motor vehicle moving behind another vehicle shall keep at a sufficient distance from that other vehicle to avoid collision, if the vehicle in front should suddenly slow down or stop; therefore, the driver of the vehicle following another is under an obligation to maintain sufficient distance to avoid the collision.

26. In the present case, the petitioner failed to maintain sufficient distance from the motorcycle as required under Rule 23, and this was the proximate cause of the accident. It was laid down by the Hon'ble Supreme Court in ***Nishan Singh v. Oriental Insurance Co. Ltd.*, *(2018) 6 SCC 765: 2018 SCC OnLine SC 463*** that where the driver of the vehicle following another had failed to maintain sufficient distance, he was negligent. It was observed at page 770:

"**12.** The finding so recorded by the Tribunal has been affirmed by the High Court, by observing that the evidence was clearly indicative of the fact that the Maruti car was being driven in a rash and negligent manner, which was the cause of the accident of this nature and resulting in the death of one of the passengers in the Maruti car. The Maruti car was driven by none other than PW 2 Manjeet Singh. In his evidence, he has admitted that the subject truck was running ahead of the Maruti car for quite some time, about one kilometre and at the time of the accident, the distance between the truck and the Maruti car was only 10-15 ft. He has also admitted that the law mandates maintaining a sufficient distance between two vehicles running in the same direction. It is also not in dispute that the road on which the two vehicles were moving was only about 14 feet wide. It is unfathomable that on such a narrow road, the subject truck would move at a high speed as alleged. In any case, the Maruti car, which was following the truck, was expected to maintain a safe distance, as envisaged in Regulation 23 of the Rules of the Road Regulations, 1989, which reads thus:

> "**23.** ***Distance from vehicles in front.*** —The driver of a motor vehicle moving behind another vehicle shall keep at a sufficient distance from that other vehicle to avoid collision if the vehicle in front should suddenly slow down or stop."

The expression "sufficient distance" has not been defined in the Regulations or elsewhere. The thumb rule of sufficient distance is at least a safe distance of two to three seconds gap in ideal conditions to avert collision and to allow the following driver time to respond. The distance of 10-15 ft between the truck and the Maruti car was certainly not a safe distance, for which the driver of the Maruti car must take the blame. It must necessarily follow that the finding on the issue under consideration ought to be against the claimants."

27. This position was reiterated in ***S. Mohammed Hakkim v. National Insurance Co. Ltd., (2025) 10 SCC 263***, wherein it was observed: -

> **8.** The car insurer has taken the stand that the appellant had hit the moving car from behind and thus, the car driver is not liable. On the other hand, the car driver has admitted in his evidence that he had suddenly applied the brakes as his wife was pregnant and she had a vomiting sensation. In our view, the concurrent finding that the appellant was definitely negligent in not maintaining a sufficient distance from the vehicle moving ahead and driving the motorcycle without a valid licence is correct....”

28. Therefore, both the learned Courts had rightly held that the accused was negligent in driving the truck.

29. The accident led to the death of Bharati, hence the learned Trial Court had rightly convicted the accused for the commission of offences punishable under Sections 279 and 304-A of the IPC.

30. Learned Trial Court had sentenced the accused to undergo simple imprisonment of one year for the commission of an offence punishable under Section 304-A of the IPC. This cannot be said to be excessive. It was laid down by the Hon'ble Supreme Court in ***Dalbir Singh Versus State of Haryana (2000) 5***

SCC 82 that a deterrent sentence is to be awarded to a person convicted of rash or negligent driving. It was observed:

> "11. Courts must bear in mind that when any plea is made based on S. 4 of the PO Act for application to a convicted person under S. 304-A of I.P.C., road accidents have proliferated to an alarming extent, and the toll is galloping up day by day in India and that no solution is in sight nor suggested by any quarters to bring them down. When this Court lamented two decades ago that "more people die of road accidents than by most diseases, so much so the Indian highways are among the top killers of the country, the saturation of accidents was not even half of what it is today. So V. R. Krishna Iyer, J., has suggested in the said decision, thus :
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> > "Rashness and negligence are relative concepts, not absolute abstractions. In our current conditions, the law under S. 304-A, I.P.C. and under the rubric of negligence, must have due regard to the fatal frequency of rash driving of heavy-duty vehicles and speeding menaces."
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> 12. In ***State of Karnataka v. Krishna alias Raju (1987) 1 SCC 538*** this Court did not allow a sentence of fine, imposed on a driver who was convicted under S. 304-A, I.P.C. to remain in force although the High Court too had confirmed the said sentence when an accused was convicted of the offence of driving a bus callously and causing the death of a human being. In that case, this Court enhanced the sentence to rigorous imprisonment for six months besides imposing a fine.
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> 13. Bearing in mind the galloping trend in road accidents in India and the devastating consequences of visiting the victims and their families, Criminal Courts cannot treat the nature of the offence under S. 304-A, I.P.C. as attracting the benevolent provisions of S. 4 of the PO Act. While considering the quantum of sentence to be imposed for the offence of causing death by rash or negligent

> driving of automobiles, one of the prime considerations should be deterrence. A professional driver pedals the accelerator of the automobile almost throughout his working hours. He must constantly inform himself that he cannot afford to have a single moment of laxity or inattentiveness when his leg is on the pedal of a vehicle in locomotion. He cannot and should not take a chance thinking that rash driving need not necessarily cause an accident, or even if any accident occurs it need not necessarily result in the death of any human being, or even if such death ensues he might not be convicted of the offence, and lastly, that even if he is convicted he would be dealt with leniently by the Court. He must always keep in mind the fear psyche that if he is convicted of the offence of causing the death of a human being due to his callous driving of a vehicle, he cannot escape from a jail sentence. This is the role which the Courts can play, particularly at the level of trial Courts, for lessening the high rate of motor accidents due to the callous driving of automobiles."

31. A similar view was taken in ***State of Punjab v. Balwinder Singh*, *(2012) 2 SCC 182***, wherein it was held: -

> "**13.** It is a settled law that sentencing must have a policy of correction. If anyone has to become a good driver, they must have better training in traffic laws and moral responsibility, with special reference to the potential injury to human life and limb. Considering the increased number of road accidents, this Court, on several occasions, has reminded the criminal courts dealing with the offences relating to motor accidents that they cannot treat the nature of the offence under Section 304-A IPC as attracting the benevolent provisions of Section 4 of the Probation of Offenders Act, 1958. We fully endorse the view expressed by this Court in ***Dalbir Singh [(2000) 5 SCC 82: 2004 SCC (Cri) 1208]***.

32. Similar is the judgment in ***State of Punjab v. Saurabh Bakshi, (2015) 5 SCC 182: (2015) 2 SCC (Cri) 751: 2015 SCC OnLine SC 278***, wherein it was observed at page 196:

> "**25.** Before parting with the case, we are compelled to observe that India has a disreputable record of road accidents. There is a nonchalant attitude among the drivers. They feel that they are the "Emperors of all they survey". Drunkenness contributes to careless driving, where other people become their prey. The poor feel that their lives are not safe, the pedestrians think of uncertainty, and the civilised persons drive in constant fear, but are still apprehensive about the obnoxious attitude of the people who project themselves as "larger than life". In such circumstances, we are bound to observe that the lawmakers should scrutinise, relook and revisit the sentencing policy in Section 304-A IPC. We say so with immense anguish."

33. Therefore, the sentence of one year is not excessive.

34. Learned Trial Court had also sentenced the accused to undergo simple imprisonment for three months and pay a fine of ₹1,000/-, and in default of payment of fine, to undergo simple imprisonment for one month, which cannot be said to be excessive because a precious life was lost.

35. No other point was urged.

36. In view of the above, the present petition fails, and the same is dismissed.

37. Records be sent back to the learned Courts below forthwith, along with a copy of the judgment.

(Rakesh Kainthla)
Judge

1st April, 2026
(Chander)