



2026:PHHC:094006

CRR-1026-2009

-1-

2026:PHHC:094006



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

CRR-1026-2009 (O&M)

Avtar Singh

... Petitioner

Versus

State of Punjab

... Respondent

**Reserved on: 03.07.2026
Pronounced on: 10.07.2026
Uploaded on: 10.07.2026**

Whether only the operative part of the judgment is pronounced ? **No**

Whether full judgment is pronounced ? **Yes**

CORAM: HON'BLE MR. JUSTICE RAMESH CHANDER DIMRI

Present: Mr. Aminder Singh, Advocate
for the petitioner.

Mr. Adeshwar Singh Pannu, AAG, Punjab.

RAMESH CHANDER DIMRI, J.

1. This judgment shall dispose of a Criminal Revision Petition filed against the judgment dated 08.04.2009 passed by learned Additional Sessions Judge, Amritsar (for brevity, 'Appellate Court') by which an appeal filed by the petitioner/accused (for brevity, 'petitioner') against the judgment of conviction dated 09.01.2008 and an order of sentence of that very date passed by learned Judicial Magistrate 1st Class, Amritsar (for



2026:PHHC:094006

CRR-1026-2009

-2-

2026:PHHC:094006



brevity, 'Magistrate'), arising out of an FIR No.108 dated 16.05.2002 registered under Sections 304-A and 427 of the Indian Penal Code, 1860 (for brevity, '1860 Code') at Police Station Sultanwind, Amritsar, thereby convicting and sentencing the petitioner for commission of an offence under Section 304-A of 1860 Code, was dismissed.

2. Prosecution alleges that on 16.05.2002, PW4 ASI Vishwamittar and PW1 HC Ravi Kumar etc., boarded on a government Gypsy bearing registration No.PB-02-A-22088, were going from Police Station Sultanwind in Amritsar towards Police Post Bridge Taranwala in connection with patrolling and search of bad elements. When the said police party reached near Gate, New Amritsar, G.T. Road, at about 03.30 PM, an Indica car bearing registration No.PB-02-AB-3124 (for brevity, 'Indica car') was going ahead of them towards Amritsar. A bus bearing registration No.PB-11-C-1230 (for brevity, 'bus') belonging to Punjab Police Patiala, was coming from the side of Amritsar. It was being driven by the petitioner Avtar Singh No.612/PTA. Its driver tried to overtake another bus in a rash and negligent manner. Resultantly, the bus struck against Indica car and dragged the car for a long distance. After causing the accident, driver of the bus succeeded in absconding from the place of accident by taking advantage of many people gathering at the spot. The said police party pulled the Indica car from beneath the bus. In the meantime, PW2 Ravinder Singh reached the spot. Three persons were travelling in the Indica car. Because of the injuries caused to them in the said accident, they all died at the spot. Their



names were Gursharan Singh son of Inderjit Singh, Sampuran Singh son of Bachan Singh and Sukhraj Singh son of Sawinder Singh. Dead bodies were taken to hospital and post-mortem examinations thereon were conducted on 17.05.2002. Indica car and bus were taken into police possession. Photographs of the place of occurrence were taken. After developing the photographs, with the negatives, same were taken in police possession. The petitioner was arrested on that very date. Permission under Section 197 of the Code of Criminal Procedure, 1973 (for brevity, '1973 Code') was obtained for prosecution against the petitioner. On completion of investigation, report under Section 173 of the 1973 Code was prepared and was laid before the concerned Magistrate. In terms of Section 207 of 1973 Code, its copies were supplied to the petitioner free of cost.

3. Prosecution and the petitioner were heard on the question of framing of charge/s against the petitioner. Vide order dated 29.11.2002, the petitioner was chargesheeted under Section 304-A of 1860 Code. He pleaded not guilty to the charge and claimed trial.

4. In support of its case, the prosecution examined four witnesses. Its evidence, however, was closed by Court order as it failed to conclude its evidence despite grant of many opportunities.

5. In his statement under Section 313 of 1973 Code, the petitioner pleaded innocence and false implication. He further pleaded that the bus was standing on left side of the road whereas driver of the Indica car struck against the bus. As per him, he was not overtaking any vehicle and the



accident took place because of fault of driver of Indica car. He further stated that tyre of the car was burst because of which it struck against the bus but the complainant registered a false case against him because of influence of police.

6. In defence, the petitioner examined four witnesses.

7. After conclusion of evidence, learned Magistrate heard the prosecution and the petitioner on merits of the case. After such hearing, it convicted the petitioner under Section 304-A of 1860 Code and in turn, sentenced him to undergo rigorous imprisonment for two years and also to pay a fine of Rs.5,000/-. In default of payment of fine, he was further directed to undergo rigorous imprisonment for a period of two months.

8. Aggrieved of such conviction and sentence, the petitioner filed an appeal before the Sessions Court, Amritsar. However, his such appeal was dismissed on 08.04.2009.

9. Aggrieved of such dismissal, the petitioner filed the present petition. It was admitted and sentenced imposed upon him was ordered to be suspended on 02.07.2009. Consequent to the said order, he is stated to be on bail.

10. I have heard learned counsel for the petitioner and learned AAG, Punjab, on merits of the present Petition. With their assistance, I have perused summoned record.

11. Learned counsel for the petitioner has argued that there is no evidence on record to hold that the petitioner was rash and negligent in



causing the alleged accident; that PW2 Ravinder Singh and PW4 ASI Vishwamittar claim to be eyewitnesses of the occurrence but their such claim is not in consonance with the prosecution case set forth in the statement leading to the FIR in question; that no record of log book has been proved to show that PW4 ASI Vishwamittar was present at the spot on the abovestated date and time; that PW1 HC Ravi Kumar does not say anything about the occurrence in question although he is stated to be an eyewitness thereof; that rough site plan allegedly prepared at the spot has not seen light of the day; that non-production thereof is material in the present case and goes to the root thereof; that no other private or independent person was examined to prove the occurrence in question as well as rash and negligent driving of the petitioner; that evidence of the prosecution lacks independent corroboration; that defence evidence led by the petitioner has not been taken into consideration at all; that if the abovestated arguments do not find favour with this Court, the petitioner may be granted relief of probation; and that said grounds are valid grounds for interference in revisional jurisdiction. He has accordingly prayed for acceptance of the present petition. In support of his arguments, he has relied upon **Crl. Appeal No.5147 of 2025 arising out of SLP (Crl.) No.13757 of 2024 decided on 02.12.2025** titled as ***Gajanan Sitaram Chaudhari Vs. State of Maharashtra & Ors.*** and reports ***Mahadevanna D.M. Vs. State of Karnataka & Anr., 2026 SCC Online SC 880*** as well as ***Mohammad Hanif Jainum Khalifa Vs. The State of Karnataka, 2026(3) RCR***

***(Criminal) 166.***

12. On the other hand, learned AAG, Punjab has argued that there was no motive for PW4 ASI Vishwamittar to falsely implicate the petitioner; that the petitioner was also a Punjab Police employee and PW4 ASI Vishwamittar would not have falsely implicated his co-employee; that witnesses examined by the petitioner prove that it was the petitioner, who was driving the bus on the abovestated date and time; that DW2 Sanjiv Kumar and DW3 Gurbachan Singh could not have witnessed the accident in question while sitting inside the bus; that therefore, their deposition in respect of the accident in question is false; that no evidence has been led by the petitioner to show that Indica car stood damaged prior to the accident in question; that in view thereof, deposition of DW3 Gurbachan Singh is false; that photographs Ex.P10 to Ex.P21 speak for themselves, so far as rash and negligent driving of the petitioner in causing the accident in question is concerned; that since the offence in question is an offence under Section 304-A of 1860 Code, the petitioner is not entitled to the relief of probation; and that the revisional jurisdictional is a limited jurisdiction while exercising which, evidence cannot be re-appreciated. He has accordingly prayed for dismissal of the petition.

13. After such hearing and perusal, I may state that revisional powers of this Court can be exercised in terms of Section 401 of 1973 Code. Since the petitioner has filed a revision petition against the impugned judgments and order, it has to be dealt within the parameters prescribed in



the said Section. Said section is therefore reproduced as under:-

“401. High Court's powers of revision.—

(1) In the case of any proceeding the record of which has been called for by itself or which otherwise comes to its knowledge, the High Court may, in its discretion, exercise any of the powers conferred on a Court of Appeal by sections 386, 389, 390 and 391 or on a Court of Session by section 307, and, when the Judges composing the Court of Revision are equally divided in opinion, the case shall be disposed of in the manner provided by section 392.

(2) No order under this section shall be made to the prejudice of the accused or other person unless he has had an opportunity of being heard either personally or by pleader in his own defence.

(3) Nothing in this section shall be deemed to authorise a High Court to convert a finding of acquittal into one of conviction.

(4) Where under this Code an appeal lies and no appeal is brought, no proceeding by way of revision shall be entertained at the instance of the party who could have appealed.

(5) Where under this Code an appeal lies but an application for revision has been made to the High Court by any person and the High Court is satisfied that such application was made under the erroneous belief that no appeal lies thereto and that



it is necessary in the interests of Justice so to do, the High Court may treat the application for revision as a petition of appeal and deal with the same accordingly.”

14. I may also state that in respect of scope of revisional powers of a High Court, a three Judge Bench of Hon’ble the Supreme Court, in the report ***Pakalapati Narayana Gajapathi Raju & others Vs. Bonapalli Peda Appadu & another, (1975) 4 SCC 477***, observed as under:-

“3. Section 439 (1) of the Code of Criminal Procedure provides that in exercise of revisional jurisdiction, the High Court may exercise any of the powers conferred on a court of appeal. This provision is made expressly subject to sub-section (4) of Section 439 under which nothing contained in the section shall be deemed to authorise a High Court to convert a finding of acquittal into one of conviction. Section 439 has been interpreted in several decisions of this Court which have taken the view that the revisional jurisdiction, when invoked by a private complainant against an order of acquittal, ought not to be exercised lightly and that it can be exercised only in exceptional cases where the interests of public justice require interference for the correction of a manifest illegality or the prevention of a gross miscarriage of justice.(See Satyendra Nath Dutta v. Ram Narain, (1975) 3 SCC 398; Akalu Ahir v. Ramdeo Ram, (1974) 1 SCR 130; Changanti Kotaiah v.



Goginoni Venkateshwara Rao, (1973) 3 SCR 867. *It is clear from these decisions that the revisional jurisdiction cannot be invoked merely because the lower court has not appreciated the evidence properly. The High Court has in its judgment referred to the decisions of this Court but in applying those decisions it has transgressed the limits of its revisional powers.”*

15. In respect of scope of revisional powers of a High Court, a three Judge Bench of Hon’ble the Supreme Court, in the report ***Duli Chand Vs. Delhi Administration, (1975) 4 SCC 649***, observed as under:-

“4. Now, the jurisdiction of the High Court in a Criminal Revision Application is severally restricted and it cannot embark upon reappreciation of the evidence, but even so, the learned single Judge of the High Court who heard the revision application, examined the evidence afresh at the instance of the appellant. This was, however, of no avail, as the learned single Judge found that the conclusion reached by the lower Courts that the appellant was guilty of gross negligence, was correct and there was no reason to interfere with the conviction of the appellant.

5.The High Court in revision was exercising supervisory jurisdiction of a restricted nature and, therefore, it would have been justified in refusing to re-appreciate the evidence for the



purpose of determining whether the concurrent finding of fact reached by the learned Magistrate and the learned Additional Sessions Judge was correct. But even so, the High Court reviewed the evidence presumably for the purpose of satisfying itself that there was evidence in support of the finding of fact reached by the two subordinate courts and that the finding of fact was not unreasonable or perverse. The High Court came to the conclusion that the evidence clearly established that the death of the deceased was caused on account of the negligent driving of the bus by the appellant.”.

16. In respect of such powers, a two Judge Bench of Hon’ble the Supreme Court, in the report ***Janata Dal Vs. H.S. Chowdhary, (1992) 4 SCC 305***, observed as under:-

“130. The object of the revisional jurisdiction under Section 401 is to confer power upon superior criminal Courts - a kind of paternal or supervisory jurisdiction - in order to correct miscarriage of justice arising from misconception of law, irregularity of procedure, neglect of proper precaution or apparent harshness of treatment which has resulted on the one hand, or on the other hand in some undeserved hardship to individuals. The controlling power of the High Court is discretionary and it must be exercised in the interest of justice with regard to all facts and circumstances of each particular



case, anxious attention being given to the said facts and circumstances which vary greatly from case to case.

131. xxxx xxxx xxxx

132. The criminal Courts are clothed with inherent power to make such orders as may be necessary for the ends of justice. Such power though unrestricted and undefined should not be capriciously or arbitrarily exercised, but should be exercised in appropriate cases, ex debito justitiae to do real and substantial justice for the administration of which alone the Courts exist. The powers possessed by the High Court under Section 482 of the Code are very wide and the very plenitude of the power requires great caution in its exercise. Courts must be careful to see that its decision in exercise of this power is based on sound principles.”

17. While quoting observations made in ***Janata Dal***’s report (*supra*) with approval, a three Judge Bench of Hon’ble the Supreme Court, in the report ***T.N. Dhakkal Vs. James Basnett & another, (2001) 10 SCC 419***, observed as under:-

“9. We are in agreement with the above exposition of law. We are of the opinion that though the High Court has revisional jurisdiction under Section 401 of the Code and can exercise its discretionary jurisdiction to correct miscarriage of justice, but whether or not, there is justification for the exercise of that



discretionary jurisdiction would depend upon the facts and circumstances of each case. The controlling power of the High Court under Section 401 of the Code being discretionary is required to be exercised only in the interest of justice, having regard to all the facts and circumstances of each particular case and not mechanically.”

18. In respect of revisional jurisdiction of a High Court, a two Judge Bench of Hon’ble the Supreme Court, in the report ***State of Kerala Vs. Puttumana Illath Jathavedan Namboodiri, (1999) 2 SCC 452***, observed as under:-

“Having examined the impugned Judgment of the High Court and bearing in mind the contentions raised by the learned counsel for the parties, we have no hesitation to come to the conclusion that in the case in hand, the High Court has exceeded its revisional jurisdiction. In Its revisional jurisdiction, the High Court can call for and examine the record of any proceedings for the purpose of satisfying 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 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 re-appreciate the evidence and come to its own 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 gross miscarriage of justice.”

19. Observations made in **Duli Chand**'s report (*supra*) and those made in a report **State of Orissa Vs. Nakula Sahu, (1979) 1 SCC 328** as well as **Puttumana Illath**'s report (*supra*) were approved by a three Judge Bench of Hon'ble the Supreme Court in the report **Raj Kumar Vs. State of Himachal Pradesh, (2008) 11 SCC 76**.

20. Having referred to above reproduced observations, I may state that the petitioner has been convicted and sentenced in the present case under Section 304-A of 1860 Code. Said Section punishes causing of death of any person by doing any rash and negligent act not amounting to culpable homicide. It is accordingly reproduced as under: -

“304A. Causing death by negligence. - *Whoever causes the death of any person by doing any rash or negligent act not amounting to culpable homicide, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.”*

21. A perusal of said Section shows that causing of death of a



person by doing any rash and negligent act not amounting to culpable homicide is *sine qua non* for applicability thereof. Therefore, it has to be seen as to whether the prosecution has proved in the present case to the hilt as to whether the petitioner caused death of abovestated three persons by rash and negligent driving.

22. So far as evidence adduced by the prosecution in the present case is concerned, although PW1 HC Ravi Kumar is stated to be present with the police party at the time of occurrence, yet, he has not deposed anything about the same. Another witness examined by the prosecution in support of its case against the petitioner is PW2 Ravinder Singh son of the deceased Sampuran Singh. At the same time, his deposition shows that he reached the spot when the accident in question had already taken place and driver of the bus had fled from the spot. Therefore, to determine culpability of the petitioner in the present case, his deposition also does not appear to be of much relevance. May be that the prosecution then examined PW3 Fateh Singh in support of its case. At the same time, he does not say anything about the eyewitness account of the occurrence/accident in question. If his deposition is perused in between the lines, it appears that he was identifier of the dead bodies of the accident. Then comes the deposition of PW4 ASI Vishwamittar. He in fact is the person who lodged FIR in the present case. In the FIR, he categorically mentioned that the accident in question was caused because of rash and negligent driving of driver of the bus whose name was subsequently known as Avtar Singh. On conclusion of



the investigation also, he indicted the petitioner as causing the accident because of his rash and negligent driving. Before the Court also as PW4, he stood to his stand mentioned in the statement/ruqa Ex.P1 leading to the FIR Ex.P2. No doubt he also says that driver of the bus had fled from the spot by taking advantage of the people gathering at the spot. At the same time, depositions of DW1 Surjit Singh, DW2 Sanjiv Kumar and DW4 HC Satpal Singh establish that on the abovestated date and time, it was the petitioner Avtar Singh who was driving the bus while returning from Amritsar to Jalandhar and on the said date and time, he was employed in Punjab Police having been allotted a specific number i.e. No.612/PTA. In view thereof, deposition of PW4 ASI Vishwamittar that driver of the bus had fled from the spot and was produced before him by Sarpanch of Village Rama at around 07.30 – 08.30 PM on that date, loses significance. Rather if his evidence and evidence of said three defence witnesses is perused and read in conjunction with each other, it comes out that it was the petitioner only who was driving the bus on the abovestated date and time when the accident in question took place. The said evidence, therefore, establishes identity of the petitioner as driver of the said bus at the time of accident.

23. The question now remains as to whether the said accident was caused because of rash and negligent driving of the petitioner while driving the bus. PW4 ASI Vishwamittar alleges rash and negligent driving to the petitioner in causing the said accident. He was put to a lengthy cross-examination but there is nothing on record to doubt him in respect of his



such specific deposition about rash and negligent driving of the petitioner. Coupled with his such deposition, photographs Ex.P10 to Ex.P21 and negatives Ex.P22 to Ex.P32 proved by him on record demonstrate that the bus in fact had come on left side of the road and had hit the Indica car. Said photographs demonstrate that the stand taken by the petitioner that the bus was parked on the left side, if one comes from Amritsar to Jalandhar and the Indica car hit the bus by going on the said side, is not correct. Not only this, if stands taken by the petitioner in respect of the accident in question are perused in between the lines, he, in fact, had taken three different stands in respect thereof. While cross-examining PW2 Ravinder Singh, he came forward with a plea that tyre rod of the Indica car was loosened because of which it got uncontrolled and hit the bus. In such stand, the petitioner did not come forward with a plea that the bus was in fact stood parked on its left side. At the same time, while cross-examining PW4 ASI Vishwamittar and in his statement under Section 313 of 1973 Code, the petitioner came up with a stand that the bus was parked on its left side if one comes from Amritsar to Jalandhar and driver of the Indica car hit it by going on wrong side of the road. He did not stop at such juncture. He rather proceeded ahead by putting to the said witness that right side tyre of the car burst because of which tyre rod and springs thereof were loosened and the car hit the bus on wrong side. Irrespective of his such stand, deposition of PW4 ASI Vishwamittar and abovestated photographs as well as negatives prove and establish to the hilt that the accident in question was caused because of



rash and negligent driving of the petitioner while driving the bus.

24. So far as death of the abovestated three persons is concerned, it is not in dispute. Rather, depositions of PW1 HC Ravi Kumar, PW2 Ravinder Singh, PW3 Fateh Singh and PW4 ASI Vishwamittar establish that they all three had died at the spot because of the injuries suffered by them in the accident in question and were then taken to the hospital for autopsy on their bodies. Their depositions also establish that autopsy on the dead bodies were conducted in a government hospital and articles collected from the same were taken into police possession. PW4 ASI Vishwamittar has deposed minute detail/s of the investigation done by him in the case in question.

25. Argument of the learned counsel for the petitioner that there is no evidence on record to hold that the petitioner was rash and negligent in causing the accident, for what has been observed above, deserves rejection. At no point of time, PW2 Ravinder Singh deposed before the Court that he had in fact witnessed the occurrence in question. He is categorical that when he reached the spot, accident had already taken place and driver of the bus had fled from the spot. He is also categorical that the police people had reached the spot when he reached there. His such deposition, considering the fact that occurrence in question took place on 16.05.2002 and he was examined before the Court on 23.11.2005, appears to be by inadvertence but does not at all dent his deposition or deposition of PW4 ASI Vishwamittar about genesis of the occurrence. PW4 ASI Vishwamittar does not at all say



that PW2 Ravinder Singh had reached the spot when the accident in question took place and he had witnessed the accident. In the statement leading to the FIR in question also, the prosecution has come forward with a plea that it was the police party headed by PW4 ASI Vishwamittar which had witnessed the accident in question.

26. So far as presence of PW4 ASI Vishwamittar and his companions at the spot is concerned, there is ample evidence on record to prove the said fact. Non-proof of log book by the said witness is inconsequential in the present case. True it is that PW1 HC Ravi Kumar has not deposed anything about the manner of the accident. At the same time, it appears that he did not depose about the accident as he had been cited as a witness in respect of identification etc. of the dead bodies. However, no one says that he was not present at the place of occurrence when the accident took place. Nevertheless, deposition of PW4 ASI Vishwamittar is sufficient to prove the accident and its manner set forth by the prosecution. True it is that in his deposition, PW4 ASI Vishwamittar says that he had prepared rough site plan at the spot but has not produced the same in his evidence and has deposed in his cross-examination that there is no rough site plan on record. At the same time, one cannot lose sight of the fact that he is a police official and the petitioner is also a police official. Since he was the complainant in the case in question, he could not make a somersault in respect of the prosecution case. By not producing on record the rough site plan prepared at the spot, it appears that he has tried to help the petitioner,



an employee of his department. This I say as I have seen that DW3 Gurbachan Singh, retired Mechanic cited by the prosecution, instead of appearing as a prosecution witness, appeared as a defence witness and rather supported the defence set forth by the petitioner. He is also an employee of Punjab Police and it appears to me that he had tried to help the petitioner. Therefore, reason for non-production of rough site plan prepared at the spot becomes obvious if the matter is examined from such angle. Once it is so, non-production of rough site plan is rendered inconsequential and immaterial.

27. True it is that no other private or independent person was examined by the prosecution about the manner of the occurrence. At the same time, deposition of PW4 ASI Vishwamittar and other surrounding evidence produced on record is sufficient to establish rash and negligent driving of the petitioner. It is always the quality and not quantity of the evidence that has to be taken into consideration. Rather, deposition of PW4 ASI Vishwamittar about culpability of the petitioner in rashly and negligently causing the accident in the present case, turns out to be an evidence of impartial character as he would have been the last person to depose against an employee of his department. No independent or private person was required to be examined in support of the prosecution case, once he has minutely deposed in respect thereof.

28. So far as defence of the petitioner is concerned, it is self-contradictory and rather proves that it was the petitioner who was driving



the bus on the abovestated date and time. It, therefore, cannot be said that the impugned judgments have not taken into consideration the defence evidence led by the petitioner.

29. As far as the reports relied upon by the learned counsel for the petitioner are concerned, **Mohammad Hanif's** report (*supra*) appears to have been decided on the basis of its peculiar facts and circumstances. Such facts/circumstances are not at all available in the present case. In **Gajanan Sitaram Chaudhari's** report (*supra*), benefit of doubt was given to the accused therein because of doubtful circumstances. In the present case, there are no doubtful circumstances present. The said report, therefore, also does not appear to be applicable to the facts/circumstances of the present case. Arguments of the learned counsel for the petitioner, therefore, cannot be accepted.

30. Here it deserves to be mentioned that re-appreciation of evidence while exercising revisional jurisdiction is not permissible. At the same time, I have referred to abovestated evidence only to examine as to whether the impugned judgments of conviction and order of sentence are in accordance with law and evidence on record. From depositions of witnesses produced in the matter in question, I, therefore, conclude that the said judgments and order are in consonance with the same.

31. I have also minutely perused the impugned judgments and order. However, I am of the considered opinion that there is no manifest error on the point of law resulting in flagrant miscarriage of justice in the



same. They have not caused any manifest illegality or miscarriage of justice. Findings rendered in the said judgments and order are not perverse or unreasonable. The same do not show neglect of proper precaution or apparent harshness of treatment resulting in undeserved hardship to the petitioner. Interest of justice does not require exercise of revisional power in the present case. Such power cannot be exercised capriciously or arbitrarily and rather it should be exercised based on sound principles. The impugned judgments and order have done real and substantial justice in the matter.

32. Coming to the argument of the learned counsel for the petitioner that alternatively, the petitioner may be granted the relief of probation. At the same time, the present matter involves death of three persons caused by rash and negligent driving of the petitioner. In the report ***Dalbir Singh Vs. State of Haryana, (2000) 5 Supreme Court Cases 82***, Hon'ble the Supreme Court observed as under: -

“13. Bearing in mind the galloping trend in road accidents in India and the devastating consequences visiting the victims and their families, criminal courts cannot treat the nature of the offence under Section 304-A IPC as attracting the benevolent provisions of Section 4 of the P.O. 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 think that a rash driving need not necessarily cause any 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 his mind the fear psyche that if he is convicted of the offence for causing death of a human being due to his callous driving of vehicle he cannot escape from 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 callous driving of automobiles.

14. Thus, bestowing our serious consideration on the arguments addressed by the learned counsel for the appellant we express our inability to lean to the benevolent provision to Section 4 of the P.O. Act. The appeal is accordingly dismissed."

33. In consonance with the said observations, I am of the considered opinion that the petitioner is not at all entitled to the benefit of probation in the present case. Plea for grant of probation, therefore, can also



2026:PHHC:094006

CRR-1026-2009

-23-

2026:PHHC:094006



not be accepted.

34. For what has been stated above, I am of the considered opinion that there is no ground to interfere in the impugned judgments and order in the exercise of revisional jurisdiction under Section 401 of the 1973 Code. In turn, the present revision petition is dismissed. All interim application(s), if any, stand disposed of.

**[RAMESH CHANDER DIMRI]
JUDGE**

10.07.2026
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No