

ITEM NO.6

COURT NO.4

SECTION IIB

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.)..... CRLMP No(s).  
13513/2016

(Arising out of impugned final judgment and order dated 22/02/2010  
in CRLR No. 1497/2003 passed by the High Court Of Punjab & Haryana  
At Chandigarh)

ABDUL SHARIF

Petitioner(s)

VERSUS

STATE OF HARYANA

Respondent(s)

(with c/delay in filing SLP)

Date : 21/09/2016 This application was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA  
HON'BLE MR. JUSTICE C. NAGAPPAN

For Petitioner(s) Mr. Abhishek, AOR

For Respondent(s) Mr. Mukul Rohtagi, AG

UPON hearing the counsel the Court made the following  
O R D E R

On 26.08.2016, while declining to entertain the special leave petition, this court referred to the pronouncement in State of Punjab vs. Saurabh Bakshi (2015) 5 SCC 182, wherein it has expressed its anguish about the nonchalant attitude of the drivers who harbour the notion that they are the monarchs of all they survey. The Court had also expressed its agony about the number of vehicular accidents that take place in this country and how lacs of people breathed their last or lose their limbs in such accidents because of the attitude, behaviour and conduct of the drivers. A suggestion was given in the said authority that Section 304-A of the Indian Penal Code requires to have a re-look because the punishment provided therein is absolutely inadequate in the context of the modern day.

We had sought assistance of the learned Attorney General for India and today Mr. Rohtagi, learned Attorney General, while assisting us, has submitted in unequivocal terms that the manner in which the vehicular accidents take place requires a stern handelling. The learned Attorney General submitted that Section 304-A covers all kinds of deaths by negligence and, therefore, mere providing of higher punishment may not sub-serve the cause of justice. Elaborating further, it is contended by him that when a broken wall falls and someone gets injured or a person dies, Section 304-A is also attracted. Needless to say, there cannot be any dispute about the same but this Court is really concerned with the vehicular accidents that extinguish the life-spark of many because of the whim and fancy, adventurism and harbouring of the notion that they are "larger than life" of the men at the wheel. It is a matter of common knowledge that the drivers drive because of their profession but there are individuals who drive the vehicle because of their uncontrolled propensity for adventure. They really do not care for the lives of others. It can be stated with certitude that the number of vehicles in the country has increased in geometrical manner and the people are in a competition to pick up the speed. Mr. Rohtagi, learned Attorney General for India would submit that occurring of accidents is a dangerous and tragic phenomenon and it is required to be curbed with iron hands.

Additionally, it is submitted by Mr. Rohtagi that some people drive while putting their mobile phones in the ears as a consequence of which disastrous consequences take place. And the effect is the person gets into misery or he causes miseries to others. We have been apprised that sometimes, people who drive while using mobile phone are booked under Section 184 of the Motor Vehicles Act, 1988. The said provision reads as follows :

"184. Driving dangerously.—Whoever drives a motor vehicle at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case including the nature, condition and use of the place where the vehicle

is driven and the amount of traffic which actually is at the time or which might reasonably be expected to be in the place, shall be punishable for the first offence with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees, and for any second or subsequent offence if committed within three years of the commission of a previous similar offence with imprisonment for a term which may extend to two years, or with fine which may extend to two thousand rupees, or with both."

On a query being made whether the said provision is sufficient for adequate handelling of the situation *in praesenti*, the answer of Mr. Rohtagi, learned Attorney General, is an emphatic 'No'. We appreciate the concern shown by Mr. Rohtagi and, we are sure, he will apprise the competent authorities to have a revisit of the relevant provisions.

As prayed for by Mr. Rohtagi, let the matter be listed on 6.12.2016. Ms. Madhavi Divan, learned counsel is requested to assist the Attorney General for India and the Registry is directed to reflect her name in the cause list in the first date of hearing.

(Gulshan Kumar Arora)  
Court Master

(H.S. Parasher)  
Court Master