

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

Criminal Revision 1581 of 2008

Date of Decision : November 23, 2016

Rishi Pal		Petitioner
	Versus	
State of Haryana		 Respondent

CORAM : HON'BLE MR. JUSTICE T.P.S.MANN

Present : Mr. Pankaj Jain, Advocate
for the petitioner.

Mr. Ashok S. Chaudhary, Addl. A.G., Haryana.

T.P.S.MANN, J. (Oral)

The petitioner was tried for committing offences punishable under Sections 279, 337 and 304-A IPC with the allegations that on 16.7.1999 in the area of G.T. Road Nilokheri, he drove truck bearing registration No. PB-11D-2241 in a rash and negligent manner so as to endanger human life and personal safety of others and while doing so, caused simple injuries on the person of Satish and also caused death of Sulekh Chand. Vide judgment and order dated 3/4.8.2007, learned Judicial Magistrate 1st Class, Karnal, convicted him for the aforementioned offences and sentenced him as follows:-

(i) Fine of Rs.1,000/- under Section 279 IPC

and in default thereof, simple imprisonment for two months;

- (ii) Rigorous imprisonment for three months under Section 337 IPC; and
- (iii) Rigorous imprisonment for two years and to pay a fine of Rs.1,000/- under Section 304-A IPC and in default thereof, simple imprisonment for two months.

All the substantive sentences were ordered to run concurrently.

Aggrieved of his conviction and sentence, the petitioner preferred an appeal. Vide judgment dated 29.7.2008, learned Additional Sessions Judge, Karnal, upheld his conviction for the aforementioned offences. The sentence imposed for the offences under Sections 279 and 337 were also upheld. However, the sentence of imprisonment for two years imposed for the offence under Section 304-A IPC was reduced to rigorous imprisonment for fifteen months. The fine amount alongwith their default clauses was maintained.

Still not satisfied, the petitioner preferred the present revision, which was admitted on 25.8.2008. Subsequently, vide order dated 12.9.2008, this Court had suspended his sentence of

imprisonment.

After hearing learned counsel for the petitioner and on going through the testimonies of PW4 complainant Ram Nath, PW5 Jeet Ram and PW6 Satish, this Court has no other option but to hold that at the relevant time, it was the petitioner, who was driving the truck in a rash and negligent manner so as to endanger human life and personal security of others and also caused simple injuries on the person of Satish and death of Sulekh Chand. Accordingly, no case is made out for any interference in the conviction of the petitioner for the various offences.

As regards the quantum of sentence, it may be noticed that the petitioner is facing the agony of criminal prosecution for the last more than seventeen years. When he was heard by the learned trial Court on the quantum of sentence, he had stated that he was a poor person and having four small children to look-after. His eleven years old daughter Ritu had been operated upon and as a result thereof, the petitioner was facing financial crisis. He is not shown to be either involved or convicted in any other case. At the time of his conviction and sentence, he was fifty years of age and, therefore, by now he must be in his early sixties. At the same time, it may be noticed that the deceased was a young boy of nineteen years of age, who used to earn his livelihood by selling milk.

As per the custody certificate produced by the learned State counsel, the petitioner has undergone an actual sentence of one month and twenty days out of the sentence of fifteen months imposed upon him. He is also not shown to be either involved or convicted in any other criminal case.

Taking into consideration the totality of the circumstances, this Court is of the view that no useful purpose will be served by sending the petitioner behind the bars, once again, who is on bail for the last more than eight years, to undergo his remaining sentence of imprisonment. Ends of justice shall be suitably met, if his substantive sentences of imprisonment are reduced to the one already undergone by him. At the same time, the fine of Rs.1,000/-imposed for the offence under Section 304-A IPC can be suitably enhanced.

Resultantly, the conviction of the petitioner for the offences under Sections 279, 337 and 304-A IPC is upheld. His substantive sentences of imprisonment for the offences under Sections 337 and 304-A IPC are reduced to the one already undergone by him. The fine of Rs.1,000/- for the offence under Section 279 IPC alongwith its default clause is maintained. However, the fine of Rs.1,000/- imposed for the offence under Section 304-A IPC is enhanced to Rs.40,000/-. As the petitioner has already deposited the fine imposed upon him by the learned trial Court, vide receipt No.180395 dated 4.8.2007, he

shall deposit the enhanced amount of fine, i.e. Rs.39,000/-, with the trial Court within three months from today, failing which, he shall be required to undergo simple imprisonment for four months. The enhanced amount of fine, when deposited, be disbursed in favour of legal heirs of deceased Sulekh Chand, as compensation.

The revision is, accordingly, disposed of.

November 23, 2016
amit rana

(T.P.S. MANN)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No