

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

**Criminal Revision 2074 of 2008
Date of Decision : May 25, 2016**

Ravinder Kumar		Petitioner
	Versus	
State of Haryana		 Respondent

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

Present : Mr. S.S.Dinarpur, Advocate

Mr. Dhruv Dayal, Deputy 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. The trial Court convicted him for the aforementioned offences and sentenced him as below:-

- (i) Rigorous imprisonment for six months and to pay a fine of Rs.600/- under Section 279 IPC;
- (ii) Rigorous imprisonment for six months and to pay a fine of Rs.400/- under Section 337 IPC; and
- (iii) Rigorous imprisonment for one year and to pay a fine of Rs.1000/- under Section 304-A IPC.

In default of payment of fine, he was ordered to further undergo simple imprisonment for three months. All the sentences were ordered to run concurrently. The fine imposed was deposited by him there and then.

Aggrieved of his conviction and sentence, the petitioner preferred an appeal but remained unsuccessful as the

same was dismissed by the lower appellate Court. Hence, the present revision, in which, he is currently on bail pursuant to order dated 22.12.2008.

The case of the prosecution in brief is that on 24.9.1997 at about 11.00 a.m. Complainant Balwant Singh along with Karnail Singh, Subhash Chand and Surinder Kumar @ Sinder were going on a tractor trolley towards village Ladwa after loading soil from village Sangipur. When they reached near Radaur, a truck bearing registration No. HYS-1851 which was being driven by its driver in a rash and negligent manner and without blowing horn came from behind and tried to overtake the tractor. In the process, left side of the truck struck on the right side of the tractor. The tractor went off the road into ditches and turned turtle. Surinder Kumar @ Sinder and Subhash Chand received injuries. The injured were removed to the hospital. However, Surinder Kumar @ Sinder was declared dead on reaching the hospital. After causing the occurrence and leaving his truck behind, the petitioner fled from the spot. He was arrested in the case after a couple days.

Having heard learned counsel for the parties and on going through the judgments passed by the Courts below, this Court finds that it was the petitioner, who was driving truck bearing registration No. HYS-1851 in a rash and negligent

manner and without blowing any horn and while overtaking the tractor, upon which the complainant and others were present, struck against the right side of tractor. As a result, Surinder Kumar @ Sinder and Subhash Chand received injuries. Later on, Surinder Kumar @ Sinder succumbed to the injuries. The prosecution case stood proved from the testimonies of PW1 Balwant Singh, PW3 Subhash Chand and PW4 Sohan Lal. Medical evidence by way of the testimonies of PW2 Dr. G.D.Mittal and PW8 Dr. R.P.Suri lend independent corroboration to the ocular account. During the investigation of the case, the police collected sufficient material, from which, it was established that it was the petitioner, who had committed the crime. Under these circumstances, no case is made out for any interference in the conviction of the petitioner for the various offences.

On the question of sentence, it may be noticed that the petitioner is facing the agony of criminal prosecution for the last more than nineteen years. He is stated to be a poor person and sole bread winner of his family consisting of children and old parents. He is also not a previous convict. Further, as per the custody certificate produced by the learned State counsel, he has already undergone an actual sentence of two months and twenty three days.

Taking into consideration the circumstances of the

case, this Court is of the view that the petitioner who is on bail pursuant to order dated 22.12.2008 need not be sent behind the bars, once again, for undergoing his remaining sentences of imprisonment. Ends of justice would be suitably met, if his remaining substantive sentences of imprisonment are set-aside.

Resultantly, the conviction of the petitioner for the offences under Sections 279, 337 and 304-A IPC is upheld. His remaining substantive sentences of imprisonment on all the counts are set-aside. However, in addition to the fine already imposed upon him by the trial Court, the petitioner shall pay another amount of Rs.50,000/- to be deposited with the trial Court within three months from today, failing which, he shall be required to undergo simple imprisonment for six months. The additional amount of fine, if deposited by him, be disbursed to the legal heirs of deceased-Surinder Kumar @ Sinder, as compensation.

But for the modification in the quantum of sentence of imprisonment and fine, as indicated above, the revision fails and is, therefore, dismissed.

May 25, 2016
amit rana

(T.P.S. MANN)
JUDGE