

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

**Criminal Revision 257 of 2012
Date of Decision : April 27, 2016**

Rajender Singh	Versus	Petitioner
State of Haryana		 Respondent

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

Present : Mr. Navkesh Singh Goraya, Advocate
for the petitioner.

Mr. Dhruv Dayal, Deputy A.G., Haryana.

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

The petitioner was tried for committing offences punishable under Sections 279 and 304-A IPC. Vide judgment and order dated 20/22.5.2009, learned Judicial Magistrate 1st Class, Sirsa, convicted him for the aforementioned offences and sentenced him as under:-

- (i) Rigorous imprisonment for a period of two years and to pay a fine of Rs.1,000/- under Section 304-A IPC and in default of payment of fine, to further undergo simple imprisonment for a period of three months; and

- (ii) Rigorous imprisonment for a period of three months and to pay a fine of Rs.500/- under Section 279 IPC and in default of payment of fine, to further undergo simple imprisonment for a period of one month.

Both the sentences of imprisonment were ordered to run concurrently.

Aggrieved of his conviction and sentence, the petitioner preferred an appeal but remained unsuccessful as the same was dismissed by learned Additional Sessions Judge (Fast Track) Sirsa vide judgment dated 11.8.2011. Still not satisfied, he filed the present revision, in which, he is on bail.

The case of the prosecution has been noticed by the learned lower appellate Court in para 2 of its judgment, which is reproduced hereinbelow:-

“ In brief, facts of the prosecution case are that on 14.2.2005 ASI Dilbagh Singh along with other police officials was present in the area of Police Lines in connection with patrolling. In the meantime, he met with Head Constable Ran Singh and Constable Raj Pal with whom he was talking when Baljeet Singh son of Kuldeep Singh met him and got recorded his

statement to the effect that he was resident of Gali Telian Wali, Sirsa and was a journalist. On that day, he alongwith Sukhwinder Singh son of Jiwan Singh reached at Courts Chowk, Barnala Road, Sirsa at about 5.15 p.m. and he saw that his cousin Darshan Kaur daughter of Avtar Singh while driving her scooty bearing No. HR-24E-4935 and her friend Kiran Bala daughter of Sat Parkash was her pillion rider, reached at Courts Chowk, Barnala Road, Sirsa, in the meantime, one truck bearing No. RJ-31G-4910 came from the side of Barnala at a very high speed being driven by accused in a rash and negligent manner and struck against the said scooty. As a result of which, both the girls fell on the road and were crushed under the rear right side tyre of the truck in question. Both the girls died there and then at the spot. The scooty was also badly smashed. After causing this accident, the accused succeeded to run away and escaped himself. On the basis of this statement, the present case was registered against accused. Proceedings under Section 174 Cr.P.C. were initiated. Postmortem on the dead body of both

the girls were got conducted. Investigation was sought out. Statements of witnesses were recorded. Accused were arrested. On completion of necessary investigation, challan was presented in the Court”.

After hearing learned counsel for the parties and on going through the record, this Court finds that prosecution has been successful in establishing the charges under Sections 279/304-A IPC against the petitioner. As regards the ocular account, the prosecution had relied upon the testimonies of PW2 Sukhwinder Singh and PW7 Baljeet Singh. The medical evidence by way of the testimony of PW1 Dr. Viresh Bhushan corroborated the ocular account. During the investigation of the case, PW6 Brij Lal, Mechanic, Haryana Roadways, had mechanically examined the scooty bearing registration No. HR-24E-4935 as well as offending truck bearing registration No. RJ-31G-4910. The two reports, i.e. Ex.PW6/A and Ex.PW6/B also corroborated the prosecution case. Under these circumstances, no case is made out for any interference in the conviction of the petitioner for the various offences, as recorded by the Courts below.

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 eleven years. He is stated to

be the sole bread winner of his family consisting of three children and aged mother. As per the custody certificate produced by the learned State counsel, he has already undergone an actual sentence of one year, three months and twenty seven days. Besides, he has earned remission of one month and twenty five days. The total sentence undergone by him including remissions, thus, comes to one year, five months and twenty two days.

Taking into consideration the totality of the circumstances, this Court is of the considered view that no useful purpose will be served by sending the petitioner behind the bars, once again, in order to undergo remaining sentence of imprisonment imposed upon him. Ends of justice would be suitably met, if his substantive sentence of imprisonment is reduced to the one already undergone by him. At the same time, fine of Rs.1,000/- imposed upon him for the offence under Section 304-A IPC deserves to be enhanced to Rs.10,000/-

Resultantly, the conviction of the petitioner under Sections 279 and 304-A IPC is maintained. The substantive sentences of the petitioner on both the counts shall stand reduced to the one already undergone by him. The sentence of fine for the offence under Section 279 IPC along with its default clause is also maintained. The sentence of fine of Rs.1,000/-

imposed upon the petitioner for the offence under Section 304-A
IPC is enhanced to Rs.10,000/- and in default of the same, he
shall undergo simple imprisonment for six months.

The revision is, accordingly, disposed of.

April 27, 2016
amit rana

(T.P.S. MANN)
JUDGE