

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

**Criminal Revision 343 of 2012
Date of Decision : May 18, 2016**

Lachhman Ram		Petitioner
	Versus	
State of Haryana		 Respondent

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

Present : Mr. Neeraj Madaan, 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 and 304-A IPC. Vide judgment and order dated 7/8.8.2009, learned Judicial Magistrate 1st Class, Dabwali, convicted him under Section 279 IPC and sentenced him to undergo rigorous imprisonment for one month and to pay a fine of Rs.200/- and in default of payment of fine, to further undergo rigorous imprisonment for a period of one week. He was also convicted under Section 304-A IPC and sentenced to undergo rigorous imprisonment for one year and to pay a fine of Rs.800/- and in default of payment of fine, to further undergo rigorous imprisonment for one month. All the sentences awarded to him were ordered to run concurrently. The amount of fine

imposed upon him was deposited by him then and there.

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 Court) Sirsa, vide judgment dated 3.12.2011. Still not satisfied, he filed the present revision, which came to be admitted on 3.4.2012. Simultaneously, his sentence of imprisonment was suspended and he was ordered to be released on bail.

Briefly put, the prosecution case is that on 14.2.2002, complainant Angrej Singh along with his nephew Pushpinder Singh son of Jaspal Singh, Jaspal Singh son of Makhan Singh and Harpal Kaur wife of Jaspal Singh went to Gurudwara of village Sakta Khera for seeking blessings. One jeep make Marshal bearing registration No. 1247 and of white colour was also with them, which was being driven by the petitioner. At about 5.00 p.m., when the complainant and others were in the process of coming back and Pushpinder Singh was holding his finger, the petitioner reversed the jeep in a rash and negligent manner and in the process ran over Pushpinder Singh. The injured was rushed to Dabwali for treatment but on the way he succumbed to his injuries.

Having heard learned counsel for the parties, this Court finds that the prosecution has been able to prove the charges of rash and negligent driving of the jeep by the petitioner and in the process running over Pushpinder Singh, a child, stands duly proved from the testimonies

of complainant Angrej Singh, who had appeared as PW2 and Jaspal Singh as PW4. Their testimonies stood corroborated by that of Dr. T.R.Mittal, who was examined by the prosecution as PW3. He deposed about the various injuries noticed by him during postmortem conducted on the dead body of Pushpinder Singh. Merely because, the accident in question was said to have taken place while the petitioner was reversing the jeep is no ground to exonerate him as there is consistent evidence on the file that the jeep was reversed by him in a rash and negligent manner without bothering as to who was standing behind his vehicle. Under these circumstances, no case is made out for upsetting the conviction of the petitioner for the offence under Sections 279 and 304-A IPC.

On the question of sentence, it may be noticed that the petitioner is facing the agony of criminal prosecution for the last more than fourteen years. It is the plea of the petitioner that he is a poor person and having small children to look-after. He is not convicted in any other case. Being the sole bread winner of his family, he deserves leniency in the matter of his sentence of imprisonment. From the custody certificate already brought on record by the learned State counsel, it is made out that the petitioner has already undergone an actual sentence of four months and eight days besides earning remission of six days. The total sentence undergone by him, thus, comes to four months and fourteen days out of the sentence of one year.

Taking into consideration the facts and circumstances of the

case, this Court is of the view that no purpose will be served by sending the petitioner behind the bars, once again, for undergoing his remaining sentence of imprisonment. Ends of justice would be best met, if his substantive sentence of imprisonment is reduced to the one already undergone by him.

Resultantly, the conviction of the petitioner for the offences under Sections 279 and 304-A IPC is upheld. His substantive sentences of imprisonment on both the counts shall stand reduced to the one already undergone by him. The fine of Rs.200/- imposed upon him for the offence under Section 279 IPC along with its default clause is maintained. However, the fine of Rs.800/- imposed upon him under Section 304-A IPC is enhanced to Rs.30,000/-. The enhanced amount of fine, i.e. Rs.29,200/- be deposited by him 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, if deposited, be disbursed to the legal heirs of deceased Pushpinder Singh, 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 18, 2016
amit rana

(T.P.S. MANN)
JUDGE