

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

Crl. Revision 2723 of 2014
Date of Decision : May 26, 2016

Rattan Singh

.....Petitioner

VERSUS

State of Haryana

.....Respondent

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

Present : Dr. Anand Kumar Bishnoi, Advocate

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

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

The petitioner was tried for committing the offences punishable under Sections 279/337/304-A IPC. Vide judgment and order dated 4/5.4.2014, learned Additional Chief Judicial Magistrate, Rewari convicted and sentenced him for the aforementioned offences as follows:-

Section 279 IPC	Rigorous imprisonment for three months;
Section 337 IPC	Rigorous imprisonment for one month; and
Section 304-A IPC	Rigorous imprisonment for six months alongwith fine of Rs. 1,000/-.

All the sentences were ordered to run concurrently. The period during which he remained in custody during enquiry/trial was ordered to be set off against the sentences of imprisonment imposed upon him.

Aggrieved of his conviction and sentence, the petitioner preferred an appeal. The appeal came to be dismissed by learned Additional Sessions Judge, Rewari vide judgment dated 27.8.2014. Still not satisfied, he preferred the present revision which was admitted on 11.12.2014 and simultaneously he was granted the concession of bail.

According to the prosecution, on 9.10.2011 at about 4.00 p.m., complainant Kalu Ram and Sunil Kumar were returning to their village Majra from village Mandhan on a motor cycle bearing No. HR-36M-7671 and when they reached near Venus factory, a tractor make John Deer bearing registration No. HR-36M-5221 while being driven by its driver in a rash and negligent manner and at a high speed came towards Kund Barrier and hit their motor cycle. As a result, Sunil Kumar, who was driving the motor cycle received injuries and succumbed to them at the spot. Complainant Kalu Ram also received injuries on his hand and mouth.

Having heard learned counsel for the parties and on going through the judgments passed by the two Courts below, this

Court finds that the prosecution has led cogent and convincing evidence to establish that it was the petitioner, who was driving the tractor in a rash and negligent manner and at a high speed as a result of which it hit the motor cycle which was being driven by Sunil Kumar, since deceased. Sunil Kumar as well as complainant Kalu Ram received injuries in the accident. However, the injuries of Sunil Kumar proved to be fatal. In this regard, reference may be made to the testimony of PW3 Kalu Ram, who was the complainant and an injured witness. His presence at the spot was well explained as he was the one who was going alongwith deceased Sunil Kumar on a motor cycle. His testimony is duly corroborated by PW4 Hawa Singh. Under these circumstances, no case is made out for any interference in the conviction of the petitioner for the offences under Sections 279, 337 and 304-A IPC.

As regards the quantum of sentence, it may be noticed that the petitioner is facing the agony of criminal prosecution for the last about five years. He is not shown to be a previous convict. He claims himself to be a poor person and sole bread winner of his family consisting of two children and old parents. As per the custody certificate produced by the learned State counsel, the petitioner has undergone an actual sentence of three months and nineteen days besides earning remissions of one month and twenty five days. In all, he has completed total

sentence of five months and fourteen days out of the sentence of six months imposed upon him.

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, for undergoing his remaining sentence of imprisonment. Ends of justice will be suitably met, if his substantive sentence of imprisonment is reduced to the one already undergone by him.

Resultantly, the conviction of the petitioner under Sections 279, 337 and 304-A IPC is upheld. His substantive sentences of imprisonment on all the counts shall stand reduced to the one already undergone by him. The fine of Rs.1,000/- imposed for the offence under Section 304-A IPC is, however, enhanced to Rs. 5,000/-. The enhanced amount of fine i.e. Rs.4,000/- be deposited by the petitioner within three months from today with the trial Court, failing which he shall undergo simple imprisonment for two months.

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

May 26, 2016
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(T.P.S. MANN)
JUDGE