

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

Crl. Revision 1096 of 2008
Date of Decision : February 23, 2017

Satbir Singh

.....Petitioner

VERSUS

State of Haryana

.....Respondent

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

Present : Mr. Sanjay Vashisth, Advocate
for the petitioner.

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

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

The petitioner was tried for committing the offences punishable under Sections 279 and 304-A IPC. Vide judgment and order dated 16/19.12.2005, learned Judicial Magistrate 1st Class, Siwani Camp at Bhiwani convicted him for both the offences. He was sentenced to undergo rigorous imprisonment for six months for the offence under Section 304-A IPC and to pay a fine of Rs. 500/- for the offence under Section 279 IPC. The fine imposed was deposited by him there and then.

Aggrieved of his conviction and sentence, the petitioner preferred an appeal. Vide judgment dated 6.6.2008, learned Additional Sessions Judge (I), Bhiwani upheld the judgment of conviction and order of sentence passed by the trial Court and dismissed the appeal. Still not satisfied, the petitioner

preferred the present revision which was admitted on 4.9.2008 and simultaneously, his sentence of imprisonment was suspended.

According to the prosecution, on 2.2.2001 at about 4.00 p.m. Raj Singh, who was a student of Matric, was riding a motor cycle Hero Honda bearing registration No. HR-16B-6397. At that time, Naresh was also driving another motor cycle (A/F) and Jitender son of Ram Murti was a pillion rider on the same. They were going from Bhiwani to Bawani Khera and when they reached near Lohari Jatu and time was about 4.30 p.m., a Haryana Roadways bus bearing registration No. HR-46-0374 was seen coming from the side of Bawani Khera, which was being driven by the petitioner at a high speed and in a rash and negligent manner. In the process, it dashed against the motor cycle on which Naresh and Jitender were riding. On account of the accident, Naresh, who was injured, died at the spot whereas Jitender was seriously injured. Jitender was later on taken to General Hospital, Bhiwani from where he was referred to PGI, Rohtak but he succumbed to his injuries, the moment he reached emergency ward of PGI, Rohtak.

Learned counsel for the petitioner has not challenged the conviction of the petitioner under Sections 279 and 304-A IPC. However, it is submitted that he is facing the agony of criminal prosecution for the last more than sixteen years. He is a

poor person and required to look after his family consisting of five daughters and two sons. He is the sole bread winner of his family. He is a first offender. Out of the sentence of six months imposed upon him, he has already undergone a period of about 3½ months. He is on bail for the last more than eight years. There is no allegation that he has misused the concession of bail in any manner. He has also stated that each of the families of the two deceased have been awarded an amount of more than Rs.8,00,000/- as compensation by the Motor Accident Claims Tribunal. Prayer has, accordingly, been made for setting aside his remaining sentence of imprisonment.

Learned State counsel has opposed the prayer by submitting that on account of the rash and negligent driving of the petitioner, two innocent lives were lost.

As per the custody certificate already brought on record by the learned State counsel, the petitioner has already undergone an actual sentence of three months and twelve 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 shall be suitably 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 sentence of imprisonment is reduced to the one already undergone by him. The sentence of fine alongwith its default clause is maintained.

The revision is, accordingly, disposed of.

February 23, 2017
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(T.P.S. MANN)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No