

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

**Criminal Revision 1560 of 2008
Date of Decision: April 20, 2017**

Rajjak		Petitioner
	Versus	
State of Haryana		 Respondent

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

Present : Mr. Rajiv Sharma, Advocate
for the petitioner.

Mr. Praveen Bhadu, Asstt. Advocate General, 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 21/23.7.2007, learned Additional Chief Judicial Magistrate, Gurgaon, convicted him for the offence under Section 279 IPC and sentenced him to undergo rigorous imprisonment for three months. He was also convicted under Section 304-A IPC and sentenced to undergo rigorous imprisonment for one year and to pay an amount of Rs.500/- as fine and in default of payment of fine, to undergo further imprisonment for one month.

Aggrieved of his conviction and sentence, the

petitioner preferred an appeal but remained unsuccessful as it came to be dismissed by the learned Additional Sessions Judge, Gurgaon, vide judgment dated 25.7.2008. Still not satisfied, the petitioner preferred the present revision, which was admitted on 11.11.2008 and simultaneously, his sentence of imprisonment was also suspended.

According to the prosecution on 21.1.1998 at about 3.00 p.m., a scooter being driven by Karambir with Parmali and Ranbir sitting on its pillion seat was coming from the Sohna side and when it reached near Indra Farm, a dumper bearing registration No. HR-26D-9559 being driven at a fast speed in a rash and negligent manner and without blowing any horn hit the scooter. Due to the impact, Karambir and Ranbir fell down on the road and suffered injuries whereas Parmali died at the spot and her head was run over by the tyre of the dumper. Both Karambir and Ranbir were taken to General Hospital for treatment but they succumbed to their injuries.

Learned counsel for the petitioner has submitted that he does not challenge the conviction of the petitioner for the offences under Sections 279 and 304-A IPC. However, he submits that the accident in question had taken place more than nineteen years ago. The petitioner is a poor person and only bread winner of his family consisting of five daughters. He is on

bail pursuant to the order dated 11.11.2008. All this while, he has not misused the concession of bail. It is also submitted that the petitioner has already undergone an actual sentence of more than three and half months. Prayer has, accordingly, been made for taking a lenient view in the matter of sentence of imprisonment of the petitioner.

Learned State counsel has vehemently opposed the prayer by submitting that on account of the rash and negligent driving of the petitioner three human lives were lost and, therefore, the sentence of imprisonment awarded to him is commensurate with the crime, which the petitioner had committed.

Custody certificate has already been placed on record by the learned State counsel. As per the same, the petitioner has already undergone an actual sentence of three months and twenty days. He is not shown to be either involved or convicted in any other case.

Having heard learned counsel for the parties and taking into consideration the totality of the circumstances, this Court is of the view that the sentence of one year imposed upon the petitioner for the offence under Section 304-A IPC is on the higher side and deserves to be reduced.

Resultantly, the conviction of the petitioner for the

offence under Sections 279 and 304 IPC is maintained. His sentence of imprisonment for three months for the offence under Section 279 IPC is also maintained. However, the sentence of one year imposed upon him for the offence under Section 304-A IPC is reduced to rigorous imprisonment for six months. The sentence of fine, alongwith its default clause is maintained. Both the substantive sentences of imprisonment shall run concurrently.

The revision is, accordingly, disposed of.

April 20, 2017
amit rana

(T.P.S. MANN)
JUDGE

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No