

In the High Court of Punjab and Haryana at Chandigarh

Crl. Revision No. 766 of 2009
Date of Decision: 11.3.2019

Ranjit Singh @ Rana

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Mohit Jaggi, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, AAG, Punjab.

HARNARESH SINGH GILL, J.

The petitioner has preferred this petition being aggrieved of the judgment dated 26.2.2009, passed by Additional Sessions Judge, Patiala, vide which the appeal filed by him challenging the judgment of conviction and order of sentence dated 24.8.2005 passed by Additional Chief Judicial Magistrate, Patiala in case FIR No. 714 dated 5.7.2001 under Sections 279, 304-A, 427 IPC, registered at Police Station Sadar Patiala, was dismissed.

The brief facts of the present case are that on 5.7.2001, complainant Gurdev Singh made a statement that on 30.6.2001, at about 4.30 P.M., he along with Amarjit Singh was going from Patiala to their village on a motorcycle bearing No. PAQ-600 which was being driven by Amarjit Singh. When they reached village Behal, a jeep being driven by petitioner Ranjit Singh @ Rana, in a rash and negligent manner came from the opposite side and hit their motorcycle. In the accident, Amarjit Singh

had suffered severe injuries on his right leg and other parts of the body. The driver of the jeep fled away from the spot. The complainant took Amarjit Singh to Dr. N.D.Aggarwal Hospital, Patiala from where he was shifted to Rajindra Hospital, Patiala on 4.7.2001 where he died on 5.7.2001. On the basis of the statement of the complainant, the FIR in question was registered.

After completion of investigation and necessary formalities, challan was presented against the petitioner.

Charge was framed against the petitioner under Section 279/304-A IPC to which he pleaded not guilty and claimed trial.

The trial Court vide judgement and order dated 24.8.2005 convicted the petitioner under Section 304-A IPC and sentenced him to undergo rigorous imprisonment for a period of two years and to pay a fine of ₹ 2,000/- and, in default of payment of fine, to further undergo rigorous imprisonment for two months.

The appeal preferred by the petitioner was dismissed by the Appellate Court vide judgment dated 26.2.2009.

I have heard the learned counsel for the petitioner as well as the learned State counsel and have also gone through the record of the case.

During the course of arguments, counsel for the petitioner confined his prayer only to the quantum of sentence imposed upon the petitioner.

Learned counsel for petitioner has submitted that the occurrence in the instant case took place in the year 2001. The petitioner remained in custody for about two months. The petitioner has, thus, faced the agony of protracted trial for about 18 years. Learned counsel has further

submitted that the petitioner is the sole bread winner of the family. The petitioner is not a previous convict. The accident in question was not a willful act on the part of the petitioner. On these premises, learned counsel for the petitioner prays that the substantive sentence imposed upon the petitioner may be reduced to the one already undergone by him.

On the other hand, learned State counsel, while refuting the submissions advanced by the learned counsel for the petitioner, has submitted that the findings recorded by the Courts below, do not call for any interference, especially when as a result of the rash and negligent driving of the petitioner, death of Amarjit Singh, has been caused.

As the prayer made by the petitioner is restricted only to the sentence, therefore, the findings recorded by the Courts below convicting the petitioner do not call for any interference and the same are accordingly affirmed.

As regards the prayer of reduction of sentence, it is noticed that the accident took place in 2001. The petitioner has undergone incarceration for a period of about two months. The petitioner has been facing the agony of trial for the last 18 years as the FIR was registered on 30.6.2001. There is no other earning member in the family of the petitioner. Besides, the petitioner is not reflected to be previous offender.

The Apex Court in ***State of Punjab versus Saurabh Bakshi*** **2015(2) R.C.R. (Criminal) 495**, has held as under:-

“2. The facts which are necessitous to be stated are that on 14.6.2007 Jagdish Ram and his nephew, Shavinder Kumar @ Tinku, sister's son, had proceeded from Sangrur to Patiala in their Maruti car bearing registration PB-11-M-8050. The said vehicle was also followed by Ramesh Chand in another Maruti car bearing registration no. PB-09-C-6292. Be it noted that all

of them had gone to house of one Des Raj at Sangrur in connection with matrimonial alliance of Shavinder Kumar alias Tinku. The vehicle that was driven by Tinku was ahead of Ramesh's at a distance of 25/30 kadams. After they reached some distance ahead of the bus stand village Mehmampur about 2.00 p.m. an Indica car bearing registration no. HR-02-6800 came from the opposite side at a very high speed and the driver of the said car hit straightaway the car of Jagdish and dragged it to a considerable distance as a result of which it fell in the ditches. Ramesh Chand, who was following in his car, witnessed that his brother-in-law and nephew had sustained number of injuries and their condition was critical. A police ambulance came to the spot and the injured persons were taken to Rajindra Hospital, Patiala where Jagdish and Shavinder Kumar succumbed to injuries. In view of the said incident as FIR was lodged by Ramesh Chand, brother-in-law of Jagdish and accordingly a crime under [Section 279/304A](#) was registered against the respondent for rash and negligent driving. The learned trial Magistrate, Patiala framed charges for the offences punishable under [Section 279/304A](#) IPC to which the respondent pleaded not guilty and claimed to be tried. The prosecution in order to prove its case examined six witnesses. The learned Addl. Chief Judicial Magistrate, Patiala vide judgment and order dated 23.4.2012 convicted the respondent for the offences punishable under [Section 304A](#) IPC and sentenced him to undergo rigorous imprisonment for a period of one year and pay a fine of Rs.2000/- with a default clause. On an appeal being preferred, the learned Addl. Sessions Judge, Patiala dismissed the appeal by judgment and order dated 6.9.2013.

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17. In the instant case the factum of rash and negligent driving has been established. This court has been constantly noticing the increase in number of road accidents and has also noticed how the vehicle drivers have been totally rash and

negligent. It seems to us driving in a drunken state, in a rash and negligent manner or driving with youthful adventurous enthusiasm as if there are no traffic rules or no discipline of law has come to the centre stage.

The protagonists, as we perceive, have lost all respect for law. A man with the means has, in possibility, graduated himself to harbour the idea that he can escape from the substantive sentence by payment of compensation. Neither the law nor the court that implements the law should ever get oblivious of the fact that in such accidents precious lives are lost or the victims who survive are crippled for life which, in a way, worse than death. Such developing of notions is a dangerous phenomenon in an orderly society. Young age cannot be a plea to be accepted in all circumstances. Life to the poor or the impecunious is as worth living for as it is to the rich and the luxuriously temperamental. Needless to say, the principle of sentencing recognizes the corrective measures but there are occasions when the deterrence is an imperative necessity depending upon the facts of the case. In our opinion, it is a fit case where we are constrained to say that the High Court has been swayed away by the passion of mercy in applying the principle that payment of compensation is a factor for reduction of sentence to 24 days. It is absolutely in the realm of misplaced sympathy. It is, in a way mockery of justice. Because justice is "the crowning glory", "the sovereign mistress" and "queen of virtue" as Cicero had said. Such a crime blights not only the lives of the victims but of many others around them. It ultimately shatters the faith of the public in judicial system. In our view, the sentence of one year as imposed by the trial Magistrate which has been affirmed by the appellate court should be reduced to six months."

Therefore, considering the entire facts and the circumstances, I am of the view that ends of justice would be fully met if the substantive sentence awarded to the petitioner is reduced to six months.

Thus, while partly allowing the revision, the sentence awarded under Section 304-A Indian Penal Code is reduced to six months. There would be no modification in the fine.

The petitioner is on bail. He is directed to surrender before the Court of Chief Judicial Magistrate concerned within 15 days from the date of passing of this order to undergo remaining part of sentence. Copy of this order be sent to the Courts below.

With the above said modification in the quantum of sentence, the revision petition is disposed of.

(HARNARESH SINGH GILL)
JUDGE

March 11, 2019
Gurpreet

Whether speaking/reasoned : **Yes**
Whether reportable : **Yes**