

In the High Court of Punjab and Haryana at Chandigarh

**Crl. Revision No. 3166 of 2010
Date of Decision: 13.9.2019**

Satbir Singh @ Kalu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Ms. Pratibha Yadav, Advocate
for the petitioner.

Ms. Palika Monga, DAG, Haryana.

HARNARESH SINGH GILL, J.

The petitioner was tried for committing the offences under Sections 279, 304-A IPC. Vide judgment dated 14.6.2010 and order dated 15.6.2010, the learned Judicial Magistrate Ist Class, Gurgaon found him guilty for the offences under Sections 279 and 304-A IPC and sentenced to undergo RI for one year under Section 304-A IPC, whereas under Section 279 IPC, the petitioner was sentenced to undergo rigorous imprisonment for a period of six months.

Aggrieved there-against, the petitioner filed an appeal before the learned Additional Sessions Judge, Gurgaon. Vide judgment dated 22.11.2010, the learned Additional Sessions Judge, dismissed the appeal filed by the petitioner. However, keeping in view the compromise effected between the parties, the sentence imposed by the trial Court under Section 304-A IPC was reduced from one year to six months.

Still aggrieved, the petitioner has preferred the present revision

petition.

As would emerge from the facts of the case, the FIR in this case was registered on the statement of complainant Bis Ram @ Bissu, stating therein that on 8.9.2002, he along with his maternal uncle-Ram Niwas boarded a dumper bearing registration No. HR-26GA-1965 from Octroi Post No. 6, Kota to their village Bad Gujjar. The said dumper was being driven by the petitioner in a very rash and negligent manner. When they reached the bus stand of their village, the complainant asked the driver to stop the dumper but he did not stop it. When they reached near a bandh, the petitioner stopped the dumper. The complainant got down from the dumper but when deceased-Ram Niwas was getting down, the petitioner moved the dumper in a high speed. As a result of this, the deceased fell down on the road and the rear wheel of the dumper ran over him and he died at the spot. 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.

On the basis of the evidence led, it stood proved before the learned trial Court that on account of the rash and negligent driving of petitioner-Satbir Singh @ Kalu, death of Ram Niwas took place. The factum of death on account of the rash and negligent driving of the petitioner having been proved on case, the learned trial Court, as noticed above, convicted and sentenced the petitioner, accordingly. The appeal filed by the petitioner was also dismissed by the learned Appellate Court but with reduction in sentence.

At the very outset, the learned counsel appearing for the

submitted that the FIR in this case was registered on 9.9.2002 and that the petitioner has been facing the agony of trial for the last 17 years and that by now, the petitioner has already undergone a period of 2 months 25 days out of the total sentence of six months. It is, thus, submitted that the substantive sentence imposed upon the petitioner may be reduced to the one already undergone by him.

On the other hand, the learned State counsel has, while controverting the aforesaid submissions, argued that as a result of the rash and negligent driving of the petitioner, the accident in question took place in which death of Ram Niwas, took place. The learned State Counsel has further argued that both the Courts below, have appreciated the evidence and facts on record in the right perspective and hence, the findings recorded by the Courts below do not require any interference by this Court.

I have heard learned counsel for the parties and with their able assistance, have gone through the records of the case.

Both the Courts below after having scrutinized the evidence on record have rightly convicted the petitioner for the offences under Sections 279 and 304-A IPC. Though, the learned counsel for the petitioner did not lay challenge to the conviction part, yet in my opinion, in view of the evidence on record, there is no scope for interference in the findings of the Courts below, so far as the conviction part is concerned. Hence, the conviction of the petitioner as recorded by the Courts below, is upheld.

While coming to the sentence part, by now, the petitioner has undergone 02 months 25 days out of his total substantive sentence of six months. Taking into consideration that the FIR in this case was registered on 9.9.2002 and the fact that the petitioner has been facing the agony of trial

for the last 17 years, in my opinion, no useful purpose would be served by sending the petitioner behind the bars once again, to undergo the remaining sentence. The ends of justice would be suitably met, if the substantive sentence imposed upon the petitioner is reduced to the one already undergone by him.

In view of the above, while upholding the conviction of the petitioner under Sections 279 and 304-A IPC, the substantive sentence imposed upon the petitioner is reduced to the one already undergone by him

With the aforesaid order, the revision petition is disposed of.

(HARNARESH SINGH GILL)
JUDGE

September 13, 2019
Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : Yes