

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

**CRA-S-435-SBA-2005 (O&M)
Date of Decision : 03.02.2020**

State of Haryana Appellant
Versus

Ram Kumar Respondent

CORAM : HON'BLE MR. JUSTICE RAMENDRA JAIN

Present : Mr. Amrik Narwal, DAG, Haryana.

Respondent Ram Kumar in person.

RAMENDRA JAIN, J. (Oral)

Appellant-State has filed instant appeal against the judgment dated 10.07.2004 of learned lower Appellate Court, setting aside the judgment of conviction dated 12.12.2000 and order of sentence dated 14.12.2000 of the trial court, vide which respondent was convicted and sentenced to undergo simple imprisonment for 06 months and pay a fine of Rs.200/- under Section 279 IPC and rigorous imprisonment for 01 year and fine of Rs.500/ under Section 304-A IPC.

Briefly, respondent was booked and tried under Sections 279 and 304-A IPC on the allegations that in the day time of 23.05.1993, he, while driving Haryana Roadways bus bearing registration No.HRV-3294 in a rash and negligent manner, took it in a pond. As a result thereof, complainant and one Shamsheer Singh received injuries. Lateron, victim Shamsheer Singh succumbed to his injuries.

Trial court vide judgment dated 12.12.2000, convicted and sentenced the respondent in the manner narrated above.

Being aggrieved, respondent-accused filed appeal. The lower appellate Court, after hearing respondent and State, acquitted the respondent vide impugned judgment dated 10.07.2004.

I have heard learned State counsel as well as respondent, who is present in person.

Having given my thoughtful consideration to the entire circumstances of the case, this court finds no merit in this appeal for the simple reason that respondent has already faced a protracted trial for 27 years. At the time of accident, he was around 50 years of age. As on date, he is 77 years old. He is in his advanced age. Sending a person of such an advanced age in jail would be unfair.

Considering overall facts, the instant appeal is dismissed. The impugned judgment of learned lower Appellate Court is upheld.

03.02.2020
mamta

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No